



City Council

September 9, 2024 - 6:00 PM

In Person

Newton Arboretum & Botanical Gardens, 3030 N 4th Ave E, Newton, IA 50208

Pledge

Pledge of Allegiance

Call to Order

1. Roll Call

Citizen Participation

2. This is the time of the meeting that a citizen may address the Council. After being recognized by the presiding officer, each person will be given three (3) minutes to speak. Elected officials will take comments into consideration; however, this time is not intended for a discussion or entering into a dialogue. Elected officials and City staff will not answer questions or debate a citizen during the *Citizen Participation* portion of the meeting.

Consent Agenda

3. August 19, 2024 Regular City Council Meeting Minutes
4. August 20, 2024 Special City Council Workshop Minutes
5. Approve Liquor Licenses for the following: Alta House Event Center - LC0047705, 1600 E 36th St S, Class C Retail Alcohol License; Kwik Star #1001 - LG0000900, 1901 1st Ave E, Class B Retail Alcohol License; Shop N Save - LE0003589, 404 S 11th Ave W, Class E Retail Alcohol License; World to Go - LG0001070, 405 1st Ave E, Class B Retail Alcohol License
6. Resolution appointing Rachel Braafhart to the Library Board of Trustees for a term ending June 30, 2030
7. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 24-10)
8. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 24-11)
9. Resolution approving Task Order 24-04 with Strand Associates Engineering for professional services, for N.E. Pump Station modifications
10. Resolution authorizing the purchase of a pickup for the Water Treatment Plant
11. Resolution approving change order #3 for the Union Drive Reconstruction Project

12. Resolution Approving a Property Tax Rebate for the Ex Nihilo Property Located at 107 1st Ave W Within the North Central Urban Renewal Area
13. Approve Bills

Ordinance

14. Third consideration of an Ordinance Amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 500-700 block of W 3rd St S
 - The City received safety concerns regarding street parking in the 500-700 blk. of W 3rd St S.
 - The Traffic Safety Committee reviewed the situation and, based on established standards and policy, recommends restricting parking on both sides of the street.
 - 28 Surveys of the neighborhood were conducted with 7 residents approving of the proposed changes and 2 opposing.
15. Third consideration of an ordinance amending the code of ordinances, City of Newton, Iowa, 2016, Title V Public Works, By adding Chapter 53 Stormwater Utility
 - At the October 19, 2020, City Council Meeting, the Newton City Council approved the creation of a Stormwater Utility Ordinance, which was the result of the City of Newton's need for funds to be dedicated to the sole purpose related to stormwater activities.
 - The ordinance established the Equivalent Residential Unit (ERU) of Four Thousand (4,000) square feet of impervious area as the official unit of measurement and an initial ERU rate of \$4.00. The ERU rate increased to \$4.25 on July 1, 2022, and to \$4.50 on July 1, 2023.
 - The initial ordinance did not include additional rate increases after July 1, 2023; no increase is planned for July 1, 2024.
 - Staff recommends increasing the ERU rate by twenty-five cents on July 1st of each year for the next five years starting on July 1, 2025.

Resolution

16. Resolution approving the purchase of 306 E 8th Street South, Newton, using the City's Low-Moderate Income Set-aside Funds
 - The City has the opportunity to purchase this dilapidated home on East 8th Street South for \$49,900.00.
 - The City has done significant D&D work in this neighborhood, which has resulted in 3 new "Homes for Iowa" houses already constructed and 1 additional planned for 2025 within walking distance of this property.
 - This property is the last remaining low-condition home in this neighborhood and would complete the significant revitalization work and create a building lot for another affordable new single family home.

Mayor/Council Comments

17. Mayor & Council Comments

Adjourn

The City of Newton is pleased to provide reasonable accommodations, in compliance with the Americans with Disabilities Act, for those individuals or groups who require assistance to be able to participate in the public meeting. Should special accommodations be required, please contact the City Clerk's Office at least 48 hours in advance of the meeting, at 641-792-2787 to arrange for accommodations to be provided.

Find us online: www.newtongov.org

NEWTON CITY COUNCIL MEETING MINUTES
AUGUST 19, 2024, 6:00 PM

Pledge

Pledge of Allegiance

Mayor George asked everyone present to join in saying the Pledge of Allegiance.

Call to Order

1. Roll Call

The City Council of Newton, Iowa met in regular session at 6:00 P.M. on the above date in the Council Chambers at 101 West 4th Street South. Mayor George presided. Present Council Members: Mills, Mullan, Dalton, Hallam, Simbro, Ervin. Absent: None.

Citizen Participation

2. There was no citizen participation.

Consent Agenda

Moved by Hallam, seconded by Mills to approve consent agenda items 3-16. AYES: Six. NAYS: None. Consent Agenda was adopted.

3. July 30, 2024, Special City Council Meeting Minutes

4. August 5, 2024 Regular City Council Meeting Minutes

5. Certify Police Officer Candidates List

6. Resolution canceling the September 3, 2024, City Council Meeting due to holiday scheduling and adding a Special City Council meeting to September 9, 2024
Resolution 2024-280 adopted.

7. Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 24-10)
Resolution 2024-281 adopted.

8. Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 24-09)
Resolution 2024-282 adopted.

9. Resolution adopting a 3-year Disadvantaged Business Enterprise (DBE) program for the Newton Municipal Airport, City of Newton, Iowa
Resolution 2024-283 adopted.

10. Resolution accepting completion of the Newton Airport Parallel Taxiway Reconstruction Project.
Resolution 2024-284 adopted.

11. Resolution to Fix a Date for a Public Hearing on a Proposal to Enter Into a Water Revenue Loan Agreement and to Borrow Money Thereunder in a Principal Amount not to Exceed \$2,900,000
Resolution 2024-285 adopted.

12. Resolution approving change order #1 for the W 4th St S Reconstruction Project
Resolution 2024-286 adopted.

13. Resolution accepting completion of the purchase of pre-season salt for snow and ice control
Resolution 2024-287 adopted.

14. Resolution approving change order #2 for the W 8th St N Bridge Approach Replacement Project
Resolution 2024-288 adopted.

15. Resolution setting a public hearing and inviting proposals for the sale of property at 1117 North 3rd Avenue East, 1015 North 3rd Avenue East, and 211 East 12th Street North in Newton
Resolution 2024-289 adopted.

16. Approve Bills

Public Hearing

17. Public Hearing on a Resolution Approving Sale of City-owned property at 1008-1010 East 8th Street North
Mayor George stated that this is the time and place for a Public Hearing on the above Resolution. There were no written comments. Mark Vickroy, 404 E 12th St PI N, inquired about one of the addresses in question. Clarification was received. Moved by Mullan, seconded by Mills to close the public hearing. AYES: Six. NAYS: None. The public hearing was closed.

18. Resolution Approving Sale of City-owned property at 1008-1010 East 8th Street North
Moved by Hallam, seconded by Mills to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2024-290 adopted.

Ordinance

19. Second consideration of an Ordinance Amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 500-700 block of W 3rd St S
Moved by Simbro, seconded by Dalton to approve the second consideration of the Ordinance. AYES: Six. NAYS: None. Second Consideration of the Ordinance was approved.
20. Second consideration of an ordinance amending the code of ordinances, City of Newton, Iowa, 2016, Title V Public Works, By adding Chapter 53 Stormwater Utility
Moved by Mills, seconded by Dalton to approve the second consideration of the Ordinance. AYES: Five. NAYS: Ervin. Second Consideration of the Ordinance was approved.

Resolution

21. Resolution approving Marketing Agreement with Utility Service Partners Inc
Moved by Ervin, seconded by Dalton to adopt the Resolution. Mayor George clarified that the Program and the City are separate entities and that the Program is voluntary. AYES: Six. NAYS: None. Resolution 2024-291 adopted.
22. Resolution awarding contract for the Westwood Golf Course Clubhouse Project
Moved by Mullan, seconded by Ervin to adopt the Resolution. Ervin questioned if the project was still on track for a March 2025 completion date. It is currently on schedule. Simbro stated that he has received several comments from citizens looking forward to it. AYES: Six. NAYS: None. Resolution 2024-292 adopted.
23. Resolution approving the purchase of thirteen new golf cars for Westwood Golf Course
Moved by Mills, seconded by Ervin to adopt the Resolution. AYES: Six. NAYS: None. Resolution 2024-293 adopted.
24. Resolution approving the purchase of a greens mower for Westwood Golf Course
Moved by Hallam, seconded by Mills to adopt the Resolution. Ervin stated that he is pleased that funds from the golf fund have been available for this purchase. Council praised City Parks and Golf staff for doing an excellent job. AYES: Six. NAYS: None. Resolution 2024-294 adopted.

Staff Report

25. Library Annual Update - Nicole Terry, Library Director

Mayor/Council Comments

26. Mayor and Council Comments
Mayor George reminded Council that the September 3, 2024, Council meeting has been canceled, and a Special Council Meeting will take place before the Goal Setting Workshop on Monday, September 9, 2024. Mark Hallam will be acting Mayor Pro Tem. It was also noted that even though Highway 14 is closed to through-traffic, driving along the shoulder to access the City Landfill is allowed. The Highway should be fully open soon.

Closed Session

27. To Discuss Strategy with Counsel in Matters that Are Presently in Litigation or Where Litigation is Imminent Where its Disclosure Would be Likely to Prejudice or Disadvantage the Position of the Governmental Body in that Litigation, Which Discussions are Exempt from the Open Meetings Law Pursuant to the Provision of Section 21.5(1)(c), Code of Iowa 2024.
At 6:57 P.M., it was moved by Ervin, seconded by Mills to go into closed session. The city attorney advised the council that they had legal authority to do so. AYES: Six. NAYS: None. The motion passed.

Return to Open Session

28. Return to Open Session
Council returned to open session at 7:49 P.M. with all members present.

Adjourn

Moved by Dalton, seconded by Hallam to adjourn the meeting at 7:50 P.M. Motion unanimously carried by voice vote.

Jolene Brady, Deputy City Clerk

Evelyn George, Mayor

NEWTON SPECIAL MEETING CITY COUNCIL MEETING MINUTES
AUGUST 20, 2024, 6:00 PM

Call to Order

- 1. Roll Call
The City Council of Newton, Iowa met in special session at 6:02 P.M. on the above date at the Emergency Operations Center (EOC), 1030 W 2nd St S. Mayor George presided. Present Council Members: Mills, Mullan, Dalton, Hallam, Simbro, Ervin. Absent: None.

Presentation

- 2. Response and Management of Police Use of Force Incidents
Presenters included Police Chief Rob Burdess, Lieutenant Dillon Lavelly, Police Captain Chris Wing, and City Attorney Matt Brick. Other attendees included Fire Chief Jarrod Wellik, Library Director Nicole Terry, and City Administrator Matt Muckler.

Mayor/Council Comments

- 3. Mayor and Council Comments

Adjourn

Moved by Hallam, seconded by Dalton to adjourn the meeting at 8:15 P.M. Motion unanimously carried by voice vote.

Jolene Brady, Deputy City Clerk

Evelyn George, Mayor

RESOLUTION NO. 2024- _____

RESOLUTION APPOINTING RACHEL BRAAFHART TO THE LIBRARY BOARD OF TRUSTEES FOR A TERM ENDING JUNE 30, 2030

WHEREAS, members of the Newton Public Library Board of Trustees help set the direction for public library service in our community, lead and advocate for quality of life services, and plan for the future of the city’s library, and

WHEREAS, the Library Board of Trustees consists of 5 community members, fulfilling 6-year terms, dedicated to the success of the library, and

WHEREAS, Noreen Otto has completed their term as of June 30th, 2024 on the Library Board of Trustees, and

WHEREAS, Rachel Braafhart has expressed an interest in serving on the Library Board of Trustees and is qualified to do serve;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa: that Rachel Braafhart is hereby appointed to the Library Board of Trustees for a term ending June 30, 2030.

PASSED this _____ day of September, 2024.

APPROVED this _____ day of September, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, Admin. Services Manager

City of Newton Council Report

**Item:**

Resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 24-10)

Summary:

The City of Newton abated some nuisances, such as tall grass/weeds and/or trash. These costs remain unpaid by the property owner(s) and should be assessed to the property taxes.

Financial Impact:

Cost Recovery: \$3,532.96

Report Number: 2024-816

Date:

September 9, 2024

Lead Department:

Police

Recommendation:

Approve

Background:

At their last meeting, City Council approved a Schedule of Assessment for the Expenses of Nuisance Abatement. The total amount for cost recovery is \$3,532.96.

The attached schedule lists owner, parcel number, address, amount to be assessed, date work was completed, property legal description, and property valuation.

With the approval of this resolution, the costs expended by the City for the abatement of nuisances will be placed on the taxes as a special assessment for each property.

Recommendation:

Staff recommends approval of the resolution levying assessments for costs of nuisance abatement and providing for the payment thereof (Schedule 24-10).

Matt Muckler, City Administrator

RESOLUTION NO. 2024 – _____

**RESOLUTION LEVYING ASSESSMENTS FOR COSTS OF
NUISANCE ABATEMENT AND PROVIDING FOR THE
PAYMENT THEREOF (SCHEDULE 24-10)**

WHEREAS, pursuant to its powers and duties as set out in Chapter 364, Code of Iowa, the City of Newton, after the property owner’s failure upon being given notice and opportunity to cure, has performed the required action to abate the public nuisance and now seeks, as provided in 364.12, Code of Iowa, to assess the costs of such action against each of the properties set out on the attached Schedule No. 24-10 for collection in the same manner as the property tax.

NOW, THEREFORE, BE IT RESOLVED, that the attached Schedule No. 24-10, is hereby approved and adopted with the amounts shown thereon assessed and levied against each property for the collection in the same manner as a property tax.

BE IT FURTHER RESOLVED, that said assessments shall be payable in 1 annual installment and shall bear interest at the rate of 3.88 percent per annum, from the date of the acceptance of this assessment schedule; the one installment of each assessment with interest on the whole assessment from date of acceptance of this schedule by the Council shall become due and payable on September 18, 2024, and shall be paid at the same time and in the same manner as the semiannual payment of ordinary taxes. Said assessment shall be payable at the office of the County Treasurer of Jasper County, Iowa, in full and without interest within thirty days after first date of publication of the Notice to Property Owners of filing the schedule of assessments.

BE IT FURTHER RESOLVED, that the Clerk be and is hereby directed to certify said schedule to the County Treasurer of Jasper County, Iowa and to publish notice of said certification once each week for two consecutive weeks in the Newton Daily News, a newspaper printed wholly in the English language, published in Newton, Iowa, and of general circulation in Newton, Iowa, the first publication of said notice to be made within fifteen days from the date of the filing of said schedule with the County Treasurer, the City shall send by regular mail to all property owners whose property is subject to assessment a copy of said notice, said mailing to be on or before the date of the second publication of the notice all as provided and directed by Code Section 384.60, Code of Iowa.

PASSED this _____ day of September, 2024.

APPROVED this _____ day of September, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 24-10: Assessment for the Expenses for Nuisance Abatement

Deed/Contract Holder	Parcel Number	Property Address	City	Net Assessed Property Value	Abatement Fee	Admin. Fee	Total Amount Assessed	Legal	Date Abated
Gary Bird	834281010	310 E 11th St S	Newton	\$52,480	\$180.00	\$150.00	\$330.00	JONES' SD N 93.8' OF W 181.5' BLK T	7/10/2024
Stanley Burt	833201010	311 W 11th St N	Newton	\$130,210	\$60.00	\$150.00	\$210.00	EXLINE'S ADD N 22.25' OF E 132' LOT 7 & S 27.75' OF E 132' LOT 6 OUTLOT 4	7/10/2024
Daniele Daniels	833276002	718 S 2nd Ave W	Newton	\$126,240	\$60.00	\$150.00	\$210.00	WEST NEWTON LOT 5 BLK B & 16.5' ALLEY ADJ ON N	7/10/2024
Larry D & Diane K Plumb Rev Trust	827412007	802 E 7th St N	Newton	\$40,650	\$60.00	\$150.00	\$210.00	EDMUNDSON'S ADD LOT A BLK 19	7/3/2024
Letendre Family Trust	835376018	1005 E 18th St S	Newton	\$25,270	\$60.00	\$150.00	\$210.00	QUAIL RIDGE PLAT III LOT 16	7/3/2024
Lillian B Prendergast Rev Trust	833228003	711 N 2nd Ave W	Newton	\$87,550	\$60.00	\$150.00	\$210.00	WEST NEWTON LOT 2 OF LOT 52	7/10/2024
Norman Maple	828276011	1105 W 4th St N	Newton	\$65,510	\$120.00	\$150.00	\$270.00	S 55' OF E 200' OF LOT 2 SE NE	7/10/2024
Patrick McDermott	835401007	506 E 19th St S	Newton	\$97,750	\$120.00	\$150.00	\$270.00	AURORA HEIGHTS SD LOT 20 BLK B	7/10/2024
Peter Murphy	834278017	1024 S 3rd Ave E	Newton	\$52,430	\$120.00	\$150.00	\$270.00	BENNETT'S SD LOT 4	7/3/2024
Richard & Lori Odem	834436001	702 E 10th St S	Newton	\$148,880	\$132.96	\$150.00	\$282.96	LINCOLN PLACE ADD LOT 2 BLK 10	7/10/2024
Lee Silvia	833282002	308 W 8th St S	Newton	\$89,660	\$60.00	\$150.00	\$210.00	WEST NEWTON S 55' LOT 8 BLK C & N 1/2 OF ALLEY ON S	7/10/2024
Golden Hammer Contractors Inc	834281034	1106 S 5th Ave E	Newton	\$21,440	\$100.00	\$150.00	\$250.00	JONES' SD E 1/2 OF S 178' LOT A BLK U	7/18/2024
Tulip 22 LLC	834277010	925 1st Ave E	Newton	\$78,770	\$200.00	\$150.00	\$350.00	ENGLE'S SD LOT 19	7/17/2024
Westward Tax Service V	1303202004	619 S 13th Ave E	Newton	\$10,290	\$100.00	\$150.00	\$250.00	LISTER'S ACRES E 1/2 LOT 5 EX W 2' OF N 1/2 & E 2' OF S 1/2 OF W 1/2 LOT 5	7/17/2024
				Total:			\$3,532.96		

City of Newton Council Report

**Item:**

Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations (Schedule No. 24-11)

Summary:

The City of Newton abated some nuisances, such as tall grass/weeds, trash, or snow. These costs remain unpaid by the property owner(s) and should be assessed to the property taxes.

Financial Impact:

Cost Recovery: \$10,008.96

Report Number: 2024-817

Date:

September 9, 2024

Lead Department:

Police

Recommendation:

Approve

Background:

The City continues to work towards better curb appeal and improved aesthetics within the community. The City abated violations that remained non-compliant after the initial warning period. The attached schedule lists owner, parcel number, address, amount to be assessed, date work was completed, property legal description, and property valuation.

Recommendation:

City Staff recommends approval of the Resolution fixing the amounts to be assessed against individual private properties for the abatement of nuisance violations.

Matt Muckler, City Administrator

RESOLUTION 2024- _____

**RESOLUTION FIXING THE AMOUNTS TO BE ASSESSED AGAINST INDIVIDUAL
PRIVATE PROPERTIES FOR THE ABATEMENT OF NUISANCE VIOLATIONS
(SCHEDULE NO. 24-11)**

WHEREAS, the City of Newton has abated nuisance violations at the addresses as found in Schedule No. 24-11: Assessment for the Expenses for Nuisance Abatement; and

WHEREAS, the City of Newton has maintained a report of the abatement costs for each individual property as found in Schedule 24-11: Assessment for the Expenses for Nuisance Abatement; and

WHEREAS, the expenses have been billed to the property owners and remain unpaid.

NOW THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa, that the Schedule 24-11: Assessment for the Expenses for Nuisance Abatement is approved.

NOW THEREFORE, BE IT FURTHER RESOLVED by the City Council of Newton, Iowa, that the City Clerk is hereby directed to prepare, sign, and file in the clerk's office the Schedule 24-11: Assessment for the Expenses for Nuisance Abatement.

PASSED this _____ day of September, 2024.

APPROVED this _____ day of September, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

Schedule 24-11: Assessment for the Expenses for Nuisance Abatement

Deed/Contract Holder	Parcel Number	Property Address	City	Net Assessed Property Value	Abatement Fee	Admin. Fee	Total Amount Assessed	Legal	Date Abated
2C Industries LLC	835405004	508 E 21st St S	Newton	\$76,940	\$100.00	\$150.00	\$250.00	AURORA HEIGHTS SD LOT 30 BLK D	7/16/2024
Huyen Hoang	835104017	1326 Crescent Dr	Newton	\$82,610	\$100.00	\$150.00	\$250.00	BELMONT PARK LOT 17 BLK 2	7/23/2024
Brenda Nelson	827477015	510 E 9th St N	Newton	\$52,060	\$2,563.96	\$150.00	\$2,713.96	LONG'S SD LOT 23	7/17/2024
Robert Spinney	826352024	601 E 13th St N	Newton	\$83,910	\$100.00	\$150.00	\$250.00	EMERSON HOUGH PLACE LOT 12 BLK B	7/16/2024
Thermtem Meyer	826301008	1028 E 12th St N	Newton	\$18,350	\$175.00	\$150.00	\$325.00	MARC ESTATES LOT 2	7/23/2024
Lyndon Woods	834280014	1002 S 5th Ave E	Newton	\$125,810	\$100.00	\$150.00	\$250.00	JONES' SD S 96' LOTS 6 & 14 BLK W	7/16/2024
Kenneth Kirk	827476005	901 N 8th Ave E	Newton	\$74,740	\$150.00	\$150.00	\$300.00	NORTH EAST ADD E 1/2 LOT 3 EX TR 90' X 132' IN NW COR	7/24/2024
Nationstar Mortgage LLC	833206003	1116 1st Ave W	Newton	\$87,080	\$100.00	\$150.00	\$250.00	EXLINE'S ADD E 50' LOT 3 BLK 5 EX HIGHWAY & EX PART SOLD TO STATE	7/24/2024
Lee Silvia	833282002	308 W 8th St S	Newton	\$89,660	\$100.00	\$150.00	\$250.00	WEST NEWTON S 55' LOT 8 BLK C & N 1/2 OF ALLEY ON S	7/24/2024
John White	827481013	1010 N 5th Ave E	Newton	\$98,920	\$100.00	\$150.00	\$250.00	BROWN'S SD LOT 11 BLK D	7/24/2024
Lois Eilander	834333005	620 E 4 1/2 St S	Newton	\$113,100	\$100.00	\$150.00	\$250.00	LEONARD'S ADD LOTS 4 & 12 & S 6' OF LOTS 3 & 11 BLK 4	7/25/2024
Golden Hammer Contractors Inc	834279017	900 S 5th Ave E	Newton	\$22,570	\$100.00	\$150.00	\$250.00	LUSK'S SD LOT C	7/25/2024
James & Karen Guffey	833257036	804 S 5th Ave W	Newton	\$149,670	\$100.00	\$150.00	\$250.00	BERGMAN TERRACE LOT 14	7/25/2024
Manuel Hidanovic	834276022	306 E 8th St S	Newton	\$39,260	\$100.00	\$150.00	\$250.00	EASTSIDE SD W 111' 10" LOT 2	7/28/2024
Ruth Kelly	826302017	807 E 12th St Pl N	Newton	\$150,030	\$100.00	\$150.00	\$250.00	EMERSON HOUGH PLACE NO. 2, LOT 7 BLK J	7/25/2024
CWF of Newton LLC	827476009	726 E 8th St N	Newton	\$48,100	\$100.00	\$150.00	\$250.00	NORTH EAST ADD LOT D OF LOT 3 & N 1/2 LOT E OF LOT 3	7/30/2024
Golden Hammer Contractors Inc	834281034	1106 S 5th Ave E	Newton	\$21,440	\$100.00	\$150.00	\$250.00	JONES' SD E 1/2 OF S 178' LOT A BLK U	7/31/2024
Linda Rice	835402011	514 E 20th St S	Newton	\$138,150	\$100.00	\$150.00	\$250.00	AURORA HEIGHTS SD LOT 11 BLK E	7/30/2024
Jessica Smith	827326018	812 1st St N	Newton	\$39,050	\$150.00	\$150.00	\$300.00	NORTH ADD S 114.18' OF W 132' LOT 14	7/30/2024
Alivia Stanley	835407004	706 E 21st St Pl S	Newton	\$83,200	\$100.00	\$150.00	\$250.00	AURORA HEIGHTS SD LOT 13 BLK M	7/30/2024
Cedar Rapids Bank & Trust Company	833283010	623 S 4th Ave W	Newton	\$125,880	\$260.00	\$150.00	\$410.00	WEST NEWTON LOT G BLK D	7/25/2024
Peter Murphy	834278010	220 E 10th St S	Newton	\$123,450	\$200.00	\$150.00	\$350.00	BENNETT'S SD LOT 7	7/31/2024
Chase Plumb	833482001	707 S 12th Ave W	Newton	\$81,360	\$100.00	\$150.00	\$250.00	CARRIER'S MEADOWS LOTS 1-2 BLK 12	7/31/2024
Michael Ault	835204007	200 E 20th St N	Newton	\$177,830	\$100.00	\$150.00	\$250.00	FAIRMEADOWS ADD PHASE 2 LOT 54	8/5/2024
Randy Cline	835426029	701 E 24th St S	Newton	\$85,640	\$100.00	\$150.00	\$250.00	AURORA HEIGHTS SD LOT 14 BLK O	8/6/2024
Shilo Duncan	834478009	1005 E 10th St S	Newton	\$119,620	\$210.00	\$150.00	\$360.00	HARLAN'S SD LOT 1 BLK 3	8/7/2024
Samuel Simons	833257010	228 W 9th St S	Newton	\$110,020	\$100.00	\$150.00	\$250.00	JOY'S SD LOT 11 & S 2.5' OF LOT 12 BLK A	8/8/2024
Kayla Warren	834426006	806 S 6th Ave E	Newton	\$124,440	\$100.00	\$150.00	\$250.00	LINCOLN PLACE ADD LOT 3 BLK 4 & 1/2 ALLEY ON E	8/6/2024
TOTAL:							\$10,008.96		

City of Newton Council Report

**Item:**

Resolution approving Task Order 24-04 with Strand Associates Engineering for professional services, for N.E. Pump Station modifications

Summary:

approving professional services agreement with Strand Associates Engineering for N.E. Pump Station modifications

Financial Impact:

\$71,800.00 utilizing Water Pollution Control Enterprise Funds.

Report Number: 2024-807**Date:**

September 9, 2024

Lead Department:

Utilities

Recommendation:

Approve

Background:

The Northeast Station was constructed in 1999 and consists of a wet well/dry well type pump station. The station includes two, relatively small vertical, centrifugal solids handling pumps. One pump normally operates while the second pump serves as a standby unit. The station is equipped with a grinder on the influent sewer and a diesel-powered backup generator.

At the time of construction, this pump station was designed for relatively low initial flows, but was also designed to be easily expanded in capacity as the Northeast Service Area develops. With the ongoing development in the Northeast Service Area including Arbor Estates and possible development in the Industrial Area, the Northeast Pump Station capacity needs to be upgraded. This upgrade was identified in the FY 24 thru FY 29 CIP with design and construction included in the FY25 operating budget.

Fox/Strand Engineering, now Strand Associates Engineering has a long history of providing professional engineering services for Newton's Water Pollution Control Plant, therefore is very familiar with the operation of the WPCP, sanitary sewer collection system and pump stations.

The scope of services in this task order include: Design, Bidding and Construction services for the NE Pump Station modifications.

Recommendation:

approve Task Order 24-04 with Strand Associates Engineering of Ames, Iowa for professional services, with design, bidding and construction services for the N. E. Pump Station modifications

Matt Muckler, City Administrator

RESOLUTION NO. 2024-_____

**RESOLUTION APPROVING TASK ORDER 24-04 WITH STRAND ASSOCIATES
ENGINEERING FOR PROFESSIONAL SERVICES, FOR N. E. PUMP STATION
MODIFICATIONS**

WHEREAS, the Northeast Station was constructed in 1999 and consists of a wet well/dry well type pump station; and

WHEREAS, the station includes two, relatively small vertical, centrifugal solids handling pumps; and

WHEREAS, at the time of construction, this pump station was designed for relatively low initial flows, but was also designed to be easily expanded in capacity as the Northeast Service Area develops; and

WHEREAS, with the ongoing development in the Northeast Service Area including Arbor Estates and possible development in the Industrial Area the Northeast Pump Station capacity needs to be upgraded; and

WHEREAS, this upgrade was identified in the FY24 thru FY29 CIP with design and construction included in the FY25 budget; and

WHEREAS, Fox/Strand Engineering, now Strand Associates Engineering has a long history of providing professional engineering services for Newton's WPCP, therefore is very familiar with the operation of the WPCP, sanitary sewer collection system and pump stations; and

WHEREAS, Strand Associates Engineering provided a task order for design, bidding and construction services for the N. E. Pump Station modifications.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa, Task Order 24-04 with Strand Associates Engineering of Ames, Iowa, in the amount of \$71,800.00 (Seventy-One Thousand Eight Hundred dollars and zero cents), is hereby accepted, and authorizes the mayor to sign said agreement. Sewer Enterprise Funds will be utilized to pay for this service.

PASSED this _____ day of September 2024.

APPROVED this _____ day of September 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

Task Order No. 24-04
City of Newton, Iowa (OWNER)
and Strand Associates, Inc.® (ENGINEER)
Pursuant to Agreement for Technical Services dated May 30, 2023

Project Information

Project Name: Northeast Pump Station Modifications

Project Description: Modifications to the existing Northeast Pump Station to accommodate growth and replace worn equipment. The project scope will include addition of one new pump as well as replacement of the grinder and associated electrical power and controls. The new pump will be designed for a capacity of approximately 800 to 900 gallons per minute.

Services Description: Design, bidding-, and construction-related services.

Scope of Services

ENGINEER will provide the following services to OWNER:

Design Services

1. Participate in one in-person project kickoff meeting with OWNER to review project scope and gather field information.
2. Prepare draft Bidding Documents using Engineers Joint Contact Documents Committee C-700 Standard General Conditions of the Construction Contract, 2018 edition, technical specifications, and engineering drawings.
3. Prepare opinion of probable construction cost (OPCC).
4. Meet with OWNER to review the draft documents and OPCC.
5. Prepare final Bidding Documents and OPCC, incorporating review comments as appropriate. Submit final documents to OWNER for review and approval.
6. Prepare and submit construction permit application to Iowa Department of Natural Resources.

Bidding-Related Services

1. Make Bidding Documents available to bidders through QuestCDN (available at www.strand.com and www.questcdn.com) and with hard copies. OWNER shall directly reimburse ENGINEER for QuestCDN fees and costs associated with preparing and mailing of paper copies.
2. Address questions from contractors and issue addenda.
3. Attend the bid opening to be held in the City of Newton, Iowa.

City of Newton
Task Order No. 24-04
Page 2
August 15, 2024

DRAFT

4. Review the bids, prepare the bid tabulations, and assist OWNER in awarding the Construction Contracts.
5. Prepare and distribute up to two signatory copies of the Construction Contract.

Construction-Related Services

1. Attend a preconstruction conference with contractor and OWNER. Prepare preconstruction conference minutes and distribute to attendees.
2. Review of contractor's shop drawing submittals. Up to two submittal reviews are included for shop drawing review. Additional reviews shall be considered additional services.
3. Attend up to two in-person construction progress meetings, which will occur approximately monthly depending on the progress of the project. Prepare agenda and minutes for each meeting and distribute to attendees.
4. Attend up to one periodic site visit to observe construction.
5. Address requests for information from the contractor.
6. Review contractor's monthly pay requests.
7. Prepare and provide change proposal requests, field orders, work change directives, and change orders to the contractor and OWNER for possible changes in scope of work, as appropriate. Review contractor-provided responses to change proposal requests, field orders and work change directives and provide comments, as appropriate.
8. Conduct on substantial completion walkthrough with OWNER and the contractor and prepare a substantial completion list of items to be completed or corrected.
9. Communicate with the contractor during final completion efforts as items to be completed and corrected are addressed. Conduct one final completion review with OWNER and the contractor, as appropriate.
10. Provide record drawings in electronic format from information compiled from contractor's records. ENGINEER will incorporate the record data into the record drawings and submit three final copies to OWNER. ENGINEER will provide drafting services only for the record drawings and shall not be liable for information provided by the contractor.

Services Elements Not Included

In addition to those listed in the associated Agreement for Technical Services, the following services are not included in this Task Order. If requested, they may be provided through an amendment to this Task Order or through a separate task order with OWNER.

1. Construction-related testing for concrete, pressure, and soils testing.
2. Full-time or part-time construction observation services.
3. Funding-related services.

OWNER REVIEW

Strand Associates, Inc.®

City of Newton
Task Order No. 24-04
Page 3
August 15, 2024

DRAFT

4. Heating, ventilation, and air conditioning design of new systems or modifications including those related to National Fire Protection Association 820.
5. Providing construction-related services beyond the date specified for final completion of the project.
6. Services related to modifications to the electrical service, generator, or distribution equipment.

Compensation

OWNER shall compensate ENGINEER for Services under this Task Order a lump sum of \$71,800 allocated as shown in the following table.

Scope Item	Compensation
Design Services	\$35,500
Bidding-Related Services	\$10,800
Construction-Related Services	<u>\$25,500</u>
Total	<u>\$71,800</u>

Schedule

Services will begin upon execution of this Task Order, which is anticipated the week of September 9, 2024. Services are scheduled for completion on March 31, 2026, in general accordance with the following project milestones:

Scope Item	Completion Date
Design Services	January 31, 2025
Bidding-Related Services	March 31, 2025
Construction-Related Services	March 31, 2026

TASK ORDER AUTHORIZATION AND ACCEPTANCE:

ENGINEER:

STRAND ASSOCIATES, INC.®

OWNER:

CITY OF NEWTON

DRAFT

DRAFT

Joseph M. Bunker
Corporate Secretary

Date

Evelyn George
Mayor

Date

City of Newton Council Report

**Item:**

Resolution authorizing the purchase of a pickup for the Water Treatment Plant

Summary:

Purchase a Chevrolet ¾ ton 4x4 pickup to replace a 20-year-old pickup

Financial Impact:

\$44,790.00 from water revenue enterprise funds

Report Number: 2024-814**Date:**

September 9, 2024

Lead Department:

Utilities

Recommendation:

Approve

Background:

This pickup is to replace an existing 20-year-old pickup that has mechanical issues, body issues and is beyond its useful life. This pickup was identified as an appropriate piece of equipment and approved in the FY24 – FY29 CIP. This pickup was budgeted for in the FY25 budget.

The old pickup will be placed on a Public Surplus Auction site with a minimum reserve of \$1,000.00. If the minimum reserve is not met, then the pickup will be sold to a local scrap yard for scrap metal value.

Waterworks Treatment Staff requested quotes from three vendors, with Gregg Young Newton had the lowest responsive, responsible quote of \$44,790.00.

Quotes are as followed:

Gregg Young Newton, Ia. \$44,790.00

Karl Auto Group Ankeny, Ia. \$45,703.60

Bob Brown Chevrolet Urbandale, Ia. No Bid

Recommendation:

Approve the purchase of a pickup from Gregg Young Newton, Iowa for the purchase price of \$44,790.00

Matt Muckler, City Administrator

RESOLUTION NO. 2024-_____

**RESOLUTION AUTHORIZING THE PURCHASE
OF A PICKUP FOR THE WATER TREATMENT PLANT**

WHEREAS, this pickup is to replace an existing 20-year-old pickup that has mechanical issues, body issues and is beyond its useful life; and

WHEREAS, this pickup was identified as an appropriate piece of equipment and approved in the FY24 – FY29 CIP; and

WHEREAS, this pickup was budgeted for in the FY25 budget; and

WHEREAS, the old pickup will be placed on a Public Surplus Auction site with a minimum reserve of \$1,000.00; and

WHEREAS, if the minimum reserve is not met, then the pickup will be sold to a local scrap yard for scrap metal value; and

WHEREAS, Waterworks Treatment Staff requested quotes from three vendors; and

WHEREAS, Gregg Young Newton had the lowest responsive, responsible quote of \$44,790.00.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of Newton, Iowa the Utilities Director is authorized to purchase a Chevrolet ¾ ton pickup from Gregg Young Newton, IA, in the amount of \$44,790.00 utilizing water revenue enterprise funds for this purchase.

BE IT FURTHER RESOLVED, that the Utilities Director is authorized to sell the existing pickup on a Public Surplus Auction site, with a minimum reserve set at \$1,000.00 and if the minimum reserve is not met, then the pickup can be sold to a local scrap yard for scrap metal value.

PASSED this _____ day of September 2024.

APPROVED this _____ day of September 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving change order #3 for the Union Drive Reconstruction Project

Summary:

Approval of change order #3 from Reilly Construction Co., Inc. for the Union Dr. Reconstruction Project.

Financial Impact:

Council previously approved a contract for \$4,209,934.58 on June 6, 2022; this action would approve a change order for an additional \$29,100.00.

Report Number: 2024-830

Date:

September 9, 2024

Lead Department:

Public Works

Recommendation:

Approve

Background:

The reconstruction of Union Dr. between N 4th Ave W and N 19th Ave W has been included in recent Capital Improvement Plans (CIP) for several years and programmed in the City's federal-aid route projects list by the Central Iowa Transportation Planning Association (CIRTPA). The original pavement was constructed as Iowa Hwy-14 around 1942, and a majority of this pavement remains in place beneath an asphalt overlay placed in 1983.

During construction, an existing sanitary sewer manhole not on the plans was buried under the area where excess dirt was hauled. It became necessary to excavate the manhole to retain access to our sanitary sewer. Also, after completion of the mainline and during a punch list walk-through, it was found that two fiber optic companies bore under the road, causing cracks in the new pavement. The City will pay Reilly Construction for this work and seek reimbursement from the responsible companies.

This change order includes excavating the existing manhole, believed to be 11 feet below grade, and adding risers to bring it to finish grade. Other work includes removing four panels of road and replacing the PCC.

After reviewing the change order and proposed costs, City staff recommends approval of change order #3 from Reilly Construction Co., Inc. in the amount of \$29,100.00, which will be paid from Road Use Tax Funds. The responsible fiber optic companies will reimburse the costs for the PCC replacement.

Recommendation:

City staff recommends approving change order #3 from Reilly Construction Co., Inc.

A handwritten signature in black ink, appearing to read "Matt Muckler".

Matt Muckler, City Administrator

RESOLUTION 2024- _____

**RESOLUTION APPROVING CHANGE ORDER #3 FOR THE
UNION DRIVE RECONSTRUCTION PROJECT**

WHEREAS, the reconstruction of Union Dr. between N 4th Ave W and N 19th Ave W has been included in recent Capital Improvement Plans (CIP) for several years and programmed in the City’s federal-aid route projects list by the Central Iowa Transportation Planning Association (CIRTPA). The original pavement was constructed as Iowa Hwy-14 around 1942, and a majority of this pavement remains in place beneath an asphalt overlay placed in 1983; and

WHEREAS, during construction, an existing sanitary sewer manhole not on the plans was buried under the area where excess dirt was hauled. It became necessary to excavate the manhole to retain access to our sanitary sewer.

WHEREAS, after completion of the mainline and during a punch list walk-through, it was found that two fiber optic companies bore under the road, causing cracks in the new pavement. The City will pay Reilly Construction for this work and seek reimbursement from the responsible companies; and

WHEREAS, City staff agreed and asked for pricing to complete the work and will seek reimbursement from the responsible fiber optic companies for the PCC replacement.

NOW, THEREFORE, BE IT RESOLVED, that change order #3 from Reilly Construction Co., Inc. in the amount of Twenty-Nine Thousand One Hundred Dollars and Zero Cents (\$29,100.00), which will be paid from Road Use Tax Funds for the Union Drive Reconstruction Project, is hereby approved.

PASSED this _____ day of September, 2024.

APPROVED this _____ day of September, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution Approving a Property Tax Rebate for the Ex Nihilo Property Located at 107 1st Ave W Within the North Central Urban Renewal Area

Summary:

Resolution Approving a Property Tax Rebate for the Ex Nihilo Property Located at 107 1st Ave W Within the North Central Urban Renewal Area

Financial Impact:

\$1,022.00 property tax rebate from the North Central Urban Renewal TIF Fund

Report Number: 2024-819**Date:**

September 9, 2024

Lead Department:

Administration

Recommendation:

Approve

Background:

The City of Newton entered into a development agreement in December of 2023 with Ex Nihilo on the property located at 107 1st Avenue West within the North Central Urban Renewal Area. The Agreement states that the City shall rebate 100% of all TIF property taxes paid by Ex Nihilo in Fiscal year 24/25.

Ex Nihilo has provided documentation that the 1st half of property taxes in the amount of \$1,247 have been paid to the Jasper County Treasurer for FY 2024/25 for the property and the amount of the 100% rebate from the TIF fund would be \$1,022.00.

Recommendation:

Staff recommends approval of the attached Resolution approving the tax rebate payment of \$1,022.00 to Ex Nihilo for the 1st half of the 24/25 property taxes.

Matt Muckler, City Administrator

RESOLUTION NO. 2024 – _____

RESOLUTION APPROVING A PROPERTY TAX REBATE FOR THE EX NHILO PROPERTY LOCATED AT 107 1ST AVENUE WEST WITHIN THE NORTH CENTRAL URBAN RENEWAL AREA

WHEREAS, the City of Newton (City) has established the North Central Urban Renewal Area; and

WHEREAS, a Development Agreement with Ex Nihilo was entered into in December of 2023 on the property located at 107 1st Avenue West within the North Central Urban Renewal Area, and

WHEREAS, said Agreement provides that the City provide to the Developer a 100% TIF Property Tax Rebate in Fiscal Year 24/25, and

WHEREAS, the Developer has paid the 1st half of property taxes for the fiscal year 2024-2025 in the total amount of \$1,247 and is eligible to receive a 100% TIF rebate of \$1,022.00;

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa: That, per the terms of the Development Agreement with Ex Nihilo a property tax rebate for the 1st half of fiscal year 2024-2025 property taxes in the amount of \$1,022.00 is hereby approved.

PASSED this 9th day of September, 2024.

APPROVED this _____ day of September, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk



City of Newton Disbursements 09-10-2024

<u>Vendor</u>	<u>Department</u>	<u>Description</u>	<u>Amount</u>
Acushnet Company	Golf	Merchandise	\$ 1,285.32
Air Products and Chemicals Inc	Water Treatment Plant	Supplies	\$ 3,734.24
Airgas USA LLC	Fire	Supplies	\$ 398.11
Alliant Energy/IPL	All	Utility	\$ 5,247.31
Amazon Capital Service	All	Supplies	\$ 3,453.96
American Business Phones	Water Pollution Control/Water Utility Billing	Service	\$ 70.00
American Water Works Association	Water Treatment Plant	Supplies	\$ 201.50
Arrowhead Forensics	Police	Supplies	\$ 287.65
AT & T Mobility	Police/Landfill	Utilities	\$ 443.95
Badger Meter	Water Distribution	Supplies	\$ 35.15
Baker & Taylor	Library	Supplies	\$ 3,356.61
Barnes, Alton Jay & Lynette	I&I Program	Service	\$ 1,000.00
Bernal, Lisa	Private Incentives	Incentives	\$ 10,000.00
Bituminous Materials & Supply	Street	Supplies	\$ 512.43
Blackburn Mfg Co	Water Distribution	Supplies	\$ 505.45
Bolton & Menk Inc	Golf Clubhouse/Parks/Streets	Service	\$ 42,918.50
Bound Tree Medical LLC	Fire	Supplies	\$ 1,102.37
Brick Gentry P.C.	Legal Service	Service	\$ 4,375.00
Bronnenberg, Brandt	Parks	Repair	\$ 191.80
Caldwell Brierly & Chalupa PLLC	D&D	Service	\$ 1,211.80
Cappy's Tire & Auto Service	Parks	Supplies	\$ 293.04
Cardinal Corner	Parks	Supplies	\$ 100.00
Carl's Window Service	Library	Service	\$ 90.00
Central Iowa Distributing Inc	Water Pollution Control	Supplies	\$ 784.00
Central Salt	Snow Removal RESO 2024-145, RESO 2024-287	Supplies	\$ 45,438.87
Chem-Sult Inc	Water Treatment Plant	Supplies	\$ 1,375.00
Cintas	All	Supplies	\$ 1,152.32
Civic Systems LLC	Water Pollution Control/Water Utility Billing	Service	\$ 1,200.00
Civicplus	Administration	Service	\$ 5,196.03
Co-Line Welding Inc	Parks	Supplies	\$ 870.00
Computer Resource Specialists	Administration/Water Treatment Plant	Service	\$ 2,745.00
Consolidated Electrical Distributor	Water Treatment Plant	Supplies	\$ 642.08
Con-Struct Inc	Airport RESO 2021-134, RESO 2024-284	Service	\$ 126,093.41
Convergent Technologies LLC	Utility Billing	Service	\$ 31.52
Creative Service of New England	Police	Supplies	\$ 383.95
D & K Products	Golf	Supplies	\$ 1,736.44
Dannen, Ryan	Parks/D&D	Service	\$ 3,740.00
Defense Technology LLC	Police	Service	\$ 995.00
Des Moines Stamp Mfg	Administration/Library/Police	Supplies	\$ 162.00
Diamond Vogel Inc	Traffic Control	Supplies	\$ 13.92
Digium Cloud Service LLC	Library	Service	\$ 462.34
DLT Solutions	Engineering	Supplies	\$ 7,868.22
DMACC - Ankeny Campus	Street	Utilities	\$ 1,895.75
Dodd Trash Hauling & Recycling	Solid Waste	Service	\$ 71,714.42
Eckert, Bernard	Police	Service	\$ 16.40
EMS MC Inc	Fire	Service	\$ 4,157.58
Fareway	Executive	Supplies	\$ 5.97
Farnsworth Group Inc	Street RESO 2024-191	Service	\$ 20,700.27
Fastenal	Water Distribution/City Garage	Supplies	\$ 580.83
FBG Service Corporation	Library	Supplies	\$ 1,701.00
Fields Outdoor Adventures	Police	Supplies	\$ 8,170.00
Forbes Office Solutions	Administration/Landfill/Library/Police	Supplies	\$ 1,899.09
Forgey, Robert	Fire	Reimbursement	\$ 50.00
FOX Strand	2021 Sewer Revenue Bonds RESO 2020-267	Service	\$ 2,764.50
Galls LLC	Fire/police	Supplies	\$ 1,713.24

General Fire And Safety	Library	Service	\$ 355.00
Girard & Associates	Fire	Service	\$ 900.00
Gooden, Dana	Fire	Reimbursement	\$ 22.98
Grainger Inc	Landfill/Water Pollution Control	Supplies	\$ 1,296.03
Gralnek-Dunitz	Parks/Water Distribution	Supplies	\$ 422.00
Gregg Young Auto Center	Police	Service	\$ 331.27
Harris Golf Cars	Golf RESO 2024-035	Capital Equipment	\$ 24,000.00
Hawkins Water Treatment	Water Pollution Control/Water Treatment Plant	Supplies	\$ 9,057.42
Hillyard / Des Moines	Fire	Supplies	\$ 580.41
Home Depot Pro	Parks	Supplies	\$ 703.26
Hornung's	Golf	Merchandise	\$ 186.69
Hoya Vision - Dept 2454	Administration	Supplies	\$ 173.00
Huffaker Garage Doors LLC	Landfill	Service	\$ 330.00
Hy-Vee - Johnston	Police/Water Treatment Plant	Service	\$ 5,174.64
I & S Group Inc	Golf Clubhouse	Service	\$ 19,750.00
IMWCA	All	Service	\$ 23,840.00
Integrity Cleaning	Police	Service	\$ 200.00
Iowa Association of Municipal Utilities	Water Distribution	Service	\$ 175.00
Iowa association of Water Agencies	Water Treatment Plant	Service	\$ 1,467.34
Iowa Dept of Agriculture & Land Steward	Airport	License	\$ 9.00
IA Dept of Natural Resources	Water Pollution Control	Service	\$ 1,275.00
Iowa Employment Conference	Administration	Service	\$ 340.00
Iowa Law Enforcement Academy	Police	Service	\$ 400.00
Iowa League of Cities	Executive/Administration/Finance	Service	\$ 7,334.00
Iowa Prison Industries	Police/Traffic Control	Supplies	\$ 2,825.19
Israel, Tracy & James	Utility Billing	Refund	\$ 8.90
Jasper Construction Service	City Center/Water Distribution	Supplies	\$ 502.23
Jasper County Recorder	North Central TIF	Service	\$ 52.00
Jasper County Treasurer	D&D	Utilities	\$ 1,748.00
JETCO Inc	Water Pollution Control/Water Treatment Plant	Service	\$ 8,425.16
Johnson Aviation	Airport	Service	\$ 3,634.62
Karl Chevrolet Inc	Fire	Service	\$ 8,247.94
Key Cooperative	Water Distribution	Supplies	\$ 321.88
Kinetic Edge Physical Therapy	All	Service	\$ 806.00
KNIA-KRLS	Fire	Service	\$ 99.75
Lakeshore Learning Materials	Library	Supplies	\$ 125.32
Liberty Tire Service LLC	Landfill	Service	\$ 1,662.01
Little Princess Parties	Library	Service	\$ 940.00
Lyman, Rick	D&D/Police	Service	\$ 2,360.00
MacQueen Equipment LLC	Fire	Supplies	\$ 849.57
Magnum Automotive	Police	Service	\$ 188.39
Mahaska Bottling Co	Golf	Concessions	\$ 1,240.80
Manatt's Inc	Parks/Streets/Storm Water/Water Utility Billing	Supplies	\$ 245.45
Manatts - D.M.	Utility Billing	Supplies	\$ 8,983.95
Martin Marietta Materials	Street/Storm Water	Supplies	\$ 3,801.22
McCall Monument	Cemetery	Service	\$ 2,000.00
McMaster-Carr	Water Pollution Control	Supplies	\$ 177.98
Medicap Pharmacy	Fire	Service	\$ 36.64
Menards-Altoona	City Center/Fire/Parks	Supplies	\$ 1,053.51
MercyOne DSM Medical Ctr-Financial Ops	Fire	Supplies	\$ 475.44
Metering and Technology Solutions	Water Distribution	Supplies	\$ 6,703.63
Microbac Laboratories Inc	Maytag Pool/Landfill	Service	\$ 116.18
Mississippi Lime Company	Water Treatment Plant	Supplies	\$ 38,075.00
Montgomery, Lucas	Water Treatment Plant	Reimbursement	\$ 74.83
Morgan, Matt	Library	Service	\$ 280.00
Morrison, Dylon	Library	Service	\$ 180.00
Municipal Collections of America Inc	Fire	Reimbursement	\$ 1,248.02
Municipal Pipe Tool Co	Water Pollution Control RESO 2022-339	Vehicle	\$ 470,293.81

Municipal Supply Inc	Water Distribution RESO 2024-231	Supplies	\$ 15,100.63
NAPA Auto Parts	All	Supplies	\$ 1,857.88
News Printing Company	All	Publication	\$ 120.04
Newton News	Administration/Planning & Zoning/Engineering	Service	\$ 264.00
Niemann Ace Hardware 650	All	Supplies	\$ 151.37
Parkview Animal Hospital	Animal Control	Service	\$ 2,325.00
Peter, Phyllis	Library	Training	\$ 22.11
Phelps Uniform Specialists	City Center/Fire/Water Distribution	Service	\$ 181.00
Pitney Bowes	All	Service	\$ 3,330.87
PJ's Deli	Executive	Service	\$ 104.30
Positive Promotions Inc	Police	Supplies	\$ 551.76
Preferred Pest Control Inc	Fire/Library	Service	\$ 709.80
Premier Office Equipment	Administration/Police	Service	\$ 193.65
QuickVisit Urgent Care	Landfill	Service	\$ 125.00
Quill Corporation	Administration	Service	\$ 5.19
R&R Products Inc	Parks	Supplies	\$ 161.35
Ray, Randy	D&D/Police	Service	\$ 4,127.90
Red Sun Yoga LLC	Parks	Service	\$ 45.00
Reeves Heating & Cooling	Library	Service	\$ 540.88
Regal Clean LLC	City Center	Service	\$ 2,725.00
Reliant Fire Apparatus Inc	Fire	Service	\$ 546.77
Riggs Printing Inc	Golf/Police	Supplies	\$ 724.00
Rockford Rigging INC	Water Distribution	Supplies	\$ 372.90
Ryan's Tire & Auto	Fire/Parks	Supplies	\$ 427.00
Schwarz Carpentry	Tort Liability	Service	\$ 615.59
Science Center of Iowa	Library	Service	\$ 250.00
SCS Engineers	Landfill	Service	\$ 750.00
Sonsoucie, Heather Anderson & Kristopher	Private Incentives	Incentives	\$ 10,000.00
Spahn & Rose Lumber Co	All	Supplies	\$ 644.47
Sprayer Specialties Inc	City Garage	Supplies	\$ 411.31
Springer Professional Home Service	Library	Service	\$ 58.30
Stanard & Associates	Police	Supplies	\$ 89.50
State Hygienic Laboratories	Water Treatment Plant	Service	\$ 21.00
Sterling Fire & Safety Inc	Airport	Service	\$ 126.00
T Mobile	Police	Service	\$ 499.86
Target Solutions Learning LLC	Fire	Service	\$ 1,250.11
Taylor, Jon	Water Treatment Plant	Service	\$ 33,820.00
Taylor, Kyle	Fire	Reimbursement	\$ 300.57
Terry, Nicole	Library	Training	\$ 40.74
The Door Doctor	Tort Liability	Service	\$ 1,975.00
Theisen's	All	Supplies	\$ 2,067.95
TK Elevator	City Center	Service	\$ 211.89
Todco Crane LLC	Water Pollution Control	Service	\$ 630.00
Town & Country Wholesale Co	Golf	Concessions	\$ 372.37
Two Rivers Cooperative	Airport/Golf	Fuel	\$ 2,299.85
ULINE	Water Pollution Control	Supplies	\$ 658.73
Unison Solutions Inc	Water Pollution Control	Supplies	\$ 595.00
UnityPoint Clinic-Occupational	City Garage	Service	\$ 294.00
USABlueBook	Water Pollution Control	Supplies	\$ 680.49
Utility Equipment Co	Water Pollution Control	Supplies	\$ 620.70
Van Wall Equipment	Landfill	Supplies	\$ 256.18
Van Wert Company	Water Pollution Control/Water Utility Billing	Service	\$ 450.00
Veterans Family Member Program	Fire	Reimbursement	\$ 138.07
Walsh Door & Hardware	Police	Supplies	\$ 19.58
Warnick Mechanical	Water Distribution	Supplies	\$ 22.00
Wells Fargo Financial Leasing Inc	Utility Billing	Service	\$ 206.38
Wex Bank	Water Distribution	Service	\$ 1,334.73
Williams Scotsman Inc	Golf	Service	\$ 628.00
Winchell, Wayne	Police	Reimbursement	\$ 49.85
Witmer Public Safety Group	Fire	Supplies	\$ 423.58
Xerox Corporation	Water Treatment Plant	Service	\$ 34.33
Totals:			\$ 1,160,739.33

Pre-Authorized Payments

A&A Concrete LLC	Parks	RESO 2024-182	\$	2,011.13
Beverage Distributors of Iowa	Golf	Concessions	\$	389.56
Black Hills Energy	All	Utilities	\$	1,370.32
Captial One/Walmart	All	Supplies	\$	598.22
Dish	Airport	Utilities	\$	152.10
Doll Distributing	Golf	Concessions	\$	2,243.30
Indycar LLC	Speedway/Prairie Fire TIF	RESO 2023-202	\$	30,000.00
Iowa Beverage System	Golf	Concessions	\$	535.00
Iowa Communities Assurance Pool	All	RESO 2024-273	\$	652,494.00
Johnson Brothers of Iowa	Golf	Concessions	\$	897.60
Manatts	ALL	RESO 2024-251/252/028/286	\$	394,067.72
Mediacom	Administration	Utilities	\$	336.90
Minturn Inc	Parks	RESO 2023-243	\$	18,500.00
Sully Contructions Inc	Golf	RESO 2023-154	\$	3,663.62
United States Cellular	All	Service	\$	242.36
Total:			\$	1,107,501.83

City of Newton Council Report

**Item:**

Third consideration of an Ordinance Amending the Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference", to make changes to street parking in the 500-700 block of W 3rd St S

Summary:

Restrict street parking for safety purposes in alignment with City policy on street parking restrictions

Financial Impact:

N/A

Report Number: 2024-689**Date:**

September 9, 2024

Lead Department:

Police

Recommendation:

Approve

Background:

The City received safety concerns from citizens regarding street parking in the 500-700 blk of W 3rd St S. The complaints are a result of vehicles being parked on west side of streets that is too narrow to allow the current parking capacity and consistently allow vehicles free and safe passage. A primary concern is that emergency vehicles may not be able to travel through this area on emergency calls and there is a heightened risk of motor vehicle and pedestrian accidents as a result of the current parking design.

The 500-700 blk of W 3rd St S is only 23 feet wide and is not wide enough to safely accommodate parking on west side of the street, and allow space for vehicle traffic to safely yield to oncoming traffic with vehicles parked on the west side of the street. The City of Newton Traffic Safety Committee has reviewed the situation and, based on the existing policy for street parking restrictions, recommends restricting parking on both sides of the street.

Surveys describing the recommended changes were sent to the 28 adjacent property owners along W 3rd St S. Surveys were returned with seven (7) residents agreeing with the recommended changes and two (2) opposing the recommended changes.

Recommendation:

Staff recommends approval of this ordinance.

Matt Muckler, City Administrator

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016, TITLE VII, CHAPTER 70, SECTION 70.15, "TRAFFIC AND PARKING SCHEDULES ADOPTED BY REFERENCE", TO MAKE CHANGES TO STREET PARKING IN THE 500-700 BLOCK OF WEST THIRD STREET SOUTH.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, IOWA:

Section 1. The Code of Ordinances, City of Newton, Iowa, 2016, Title VII, Chapter 70, Section 70.15, "Traffic and Parking Schedules Adopted by Reference" is hereby amended by adding or deleting the following:

NO PARKING ZONES. No one shall stop, stand or park a vehicle in any of the following specifically designated no parking zones except when necessary to avoid conflict with other traffic or in compliance with the direction of a peace officer or traffic control signal.

STREETS, SOUTHWEST QUADRANT

West Third Street South

"No Parking Anytime".

West side from South Second Avenue West south to South Fifth Avenue West.

East side from South Fifth ~~Eighth~~ Avenue West south to South Eleventh Avenue West.

Both sides from South Fifth Ave West south to South Eighth Avenue West.

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective on _____, 2024, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

(SEAL)

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2024 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2024.

Dated this ____ day of _____, 2024.

Katrina Davis, City Clerk

Parking Survey 500-700 block W 3rd St S.

Please complete the survey to the City of Newton's recommendation to restrict parking on both sides of 500-700 block and return to the City of Newton Police Department by July 9th, 2024.

I agree with the proposed parking changes

I oppose the proposed parking changes

Comments from resident at: **602 W 3rd St S**

Traffic needs a speed trap or something from all persistent street racers. But some only have that available to park. If people slowed down it would help.

Parking Survey 500-700 block of W 3rd St S.

Please complete the survey to the City of Newton's recommendation to restrict parking on both sides of 500-700 block and return to the City of Newton Police Department by July 9th, 2024.

I agree with the proposed parking changes

oppose the proposed parking changes

Comments from resident at: **311 S 6th Ave W**

We agree,

Parking Survey 500-700 block of W 3rd St S.

Please complete the survey to the City of Newton's recommendation to restrict parking on both sides of 500-700 block and return to the City of Newton Police Department by July 9th, 2024.

I agree with the proposed parking changes

I oppose the proposed parking changes

Comments from resident at: **627 W 3rd St S**

We lived here 4 years and now that the city doing road work it's an issues in city while sometimes needs help. Has to leave it alone people have already City laws



101 W. 4th St. S.

Newton, IA 50208



101 W. 4th St. S.

Newton, IA 50208

Newton Police Department



Newton Police Department

101 W. 4th St. S.

Newton, IA 50208

Parking Survey 500-700 block W 3rd St S.

Please complete the survey to the City of Newton's recommendation to restrict parking on both sides of 500-700 block and return to the City of Newton Police Department by July 9thth, 2024.

I agree with the proposed parking changes 

I oppose the proposed parking changes

Comments from resident at: **626 W 3rd St S**

I see it every day
NOT safe

Mon M-Collins

Parking Survey 500-700 block of W 3rd St S.

Please complete the survey to the City of Newton's recommendation to restrict parking on both sides of 500-700 block and return to the City of Newton Police Department by July 9thth, 2024.

I agree with the proposed parking changes

I oppose the proposed parking changes

Comments from resident at: **620 W 3rd St S**

Since my house is on top of the hill and cars are parked across it is a visual hazard of oncoming traffic. Also most days it can be hard getting out of my driveway. I'm okay with no parking or schedule parking at certain time of

Parking Survey 500-700 block W 3rd St S.

Please complete the survey to the City of Newton's recommendation to restrict parking on both sides of 500-700 block and return to the City of Newton Police Department by July 9thth, 2024.

I agree with the proposed parking changes

I oppose the proposed parking changes

Comments from resident at: **508 W 3rd St S**

William Robert White
508 West 3rd St. South
Newton, Iowa 50208-46
U.S.A.

Yes, please do restrict parking on both sides of the street as mentioned.

Parking Survey 500-700 block of W 3rd St S.

Please complete the survey to the City of Newton's recommendation to restrict parking on both sides of 500-700 block and return to the City of Newton Police Department by July 9thth, 2024.

I agree with the proposed parking changes Thank you!!

I oppose the proposed parking changes

Comments from resident at: **702 W 3rd St S**

It has been awful + dangerous for years. It is hard to get out of our drive + there are constant traffic jams - people park in the street that have drive-ways. We have almost been hit head on many times.

Parking Survey 500-700 block of W 3rd St S.

Please complete the survey to the City of Newton's recommendation to restrict parking on both sides of 500-700 block and return to the City of Newton Police Department by July 9thth, 2024.

I agree with the proposed parking changes

I oppose the proposed parking changes

Comments from resident at: **714 W 3rd St S**

It has become so congested with everyone who parks on the street. These trees make things worse!

Parking Survey 500-700 block of W 3rd St S.

Please complete the survey to the City of Newton's recommendation to restrict parking on both sides of 500-700 block and return to the City of Newton Police Department by July 9thth, 2024.

I agree with the proposed parking changes

I oppose the proposed parking changes

Comments from resident at: **520 W 3rd St S**

It should not be up for discussion as it has always been a problem.



Newton Police Department

101 W. 4th St. S.

Newton, IA 50208

Dog Bite
Awareness



Newton Police Department

101 W. 4th St. S.

Newton, IA 50208



Newton Police Department

101 W. 4th St. S.

Newton, IA 50208

Newton Police Department

DES MOINES IA 500
9 JUL 2024 PM 2 L



Newton Police Department

101 W. 4th St. S.

Newton, IA 50208

Newton Police Department



Newton Police Department

101 W. 4th St. S.

Newton, IA 50208



Newton Police Department

101 W. 4th St. S.

Newton, IA 50208



Memorandum

TO: Jarrod Wellik, Interim City Administrator
FROM: Keith A. Laube, Public Works Director
DATE: December 2, 2016
RE: Street Parking Restriction Policy

In the recent past, staff has been directed to look at street parking restrictions after receiving a request from a citizen. Most of these requests were to add "No Parking" signs on one side of the street to allow traffic to flow without meandering from each side of the street to avoid parked vehicles and/or to allow passage when two vehicles are parked directly opposite of each other.

In 2011, staff evaluated all streets in the city based on Statewide Urban Design and Specifications (SUDAS) criteria, traffic volume, and street width. Street widths are measured from back of curb to back of curb. Rural section streets with ditches have been evaluated on a case-by-case basis. The streets were placed in two categories based on traffic volume and use:

Higher volume streets (>2,500 vehicles per day), collector/arterial, and truck routes:

<u>Parking</u>	<u>Minimum Street Width</u>
one side	31 feet (provides two 11-foot travel lanes)
both sides	39 feet (provides two 11-foot travel lanes)

Lower volume streets (<2,500 vehicles per day) – local residential streets:

<u>Parking</u>	<u>Minimum Street Width</u>
one side	26 feet (provides a 17-foot open roadway)
both sides	34 feet (provides a 17-foot open roadway)

Local jurisdiction discretion for existing residential streets:

<u>Parking</u>	<u>Minimum Street Width</u>
one side	21 feet (provides a 12-foot open roadway)
both sides	31 feet (provides a 14-foot open roadway)

Two maps have been prepared. The first map shows streets where existing parking restrictions could be removed to allow for additional street parking. The second map shows streets that should have new parking restrictions to enable safe passage of traffic and provide a route for emergency vehicles.

Removal of Existing Parking Restrictions Map: The parking restrictions on some of these streets were based on traffic flows that existed due to Maytag operations (1st Street N and N 3rd Ave E) and previous school traffic patterns (E 3rd Street S). Since the current parking restrictions on the streets shown on this map do not cause any safety concerns, the parking restrictions could remain.

New Parking Restrictions Map: The majority of the proposed changes are to have parking on one side of the street instead of both sides (shown in orange on the map). Most of these streets are 25 feet wide and if two vehicles are parked directly opposite of each other, there is only 8 feet for traffic, an ambulance, or a fire truck to pass between the parked vehicles. A lane at least 12 feet wide is recommended for emergency vehicles. If vehicles are parked offset from one another, response time is decreased due a slower speed required to maneuver the emergency vehicle around the parked vehicles. The spacing of staggered parked vehicles significantly slows the speed of a long fire truck.

The streets shown in green on the map are proposed to have the parking changed from “no parking on one side” to “no parking on both sides”. Some of these streets are collectors or truck routes and are not wide enough to allow parking on one side and provide two free flowing traffic lanes. For example E 12th Street N is a truck route that is 26 feet wide and currently has parking on one side. This allows for 8½-foot wide lanes for northbound and southbound traffic. For a truck route, 12-foot wide lanes are recommended.

E 4th Street S is 25 feet wide with parking on one side from 6 pm to 8 am. This allows for 8-foot wide lanes for northbound and southbound traffic between 6 pm and 8 am. For a street with this volume of traffic, 11-foot lanes are acceptable and 12-foot lanes are preferred. Evening high school events may make travel on this street difficult if vehicles are parked on one side. Also E 4th Street is a direct route to the hospital. One solution for this street would be to allow parking on one side on Saturdays, Sundays and holidays; similar to N 4th Avenue E between E 5th Street and E 15th Street.

Some streets shown in green need to have updated traffic counts prior to recommending any parking changes. These streets include W 3rd Street S, E 4th Street N, and E 8th Street N. The new traffic counts will determine whether these streets are higher volume or lower volume streets.

City of Newton Council Report

**Item:**

Third consideration of an ordinance amending the code of ordinances, City of Newton, Iowa, 2016, Title V Public Works, By adding Chapter 53 Stormwater Utility

Summary:

Adjusting stormwater utility rates for the next five years.

Financial Impact:

An estimated additional \$28,000 in FY25.

Report Number: 2024-808**Date:**

September 9, 2024

Lead Department:

Public Works

Recommendation:

Approve

Background:

At the October 19, 2020, city council meeting, the Newton City Council approved the creation of a Stormwater Utility Ordinance, which was the result of the City of Newton's need for funds to be dedicated to the sole purpose related to stormwater activities, such as administering the design, construction, maintenance, and operation of the utility system, including capital improvements. These items may also include but are not limited to acquiring, constructing, leasing, owning, operating, maintaining, extending, expanding, replacing, cleaning, dredging, repairing, conducting, managing, and financing such facilities, operations, and activities, as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, but are not limited to, surface and underground drainage facilities, storm sewers, watercourses, ponds, ditches, and other facilities relating to collection, runoff, treatment, and retention.

Since the ordinance's creation, numerous projects have been completed or are under construction, including the completion of a Storm Water Capital Improvement Planning Study, additional storm water improvements on the Union Drive Reconstruction Project, stormwater improvements on the W 4th St S Reconstruction Project, Fairmeadows North Plat 7 stormwater improvements, and numerous infrastructure improvements completed by Public Works Operations staff.

The ordinance established the Equivalent Residential Unit (ERU) as the equivalent of Four Thousand (4,000) square feet of impervious area as the official unit of measurement.

The ERU rate for residential and non-residential properties was as follows:

Commencing January 1, 2021, the ERU rate shall equal \$4.00

Commencing July 1, 2022, the ERU rate shall equal \$4.25

Commencing July 1, 2023, the ERU rate shall equal \$4.50

The initial ordinance did not include additional rate increases, and future increases will be determined by ordinance of the city council.

Stormwater rates need to be increased yearly to keep pace with increasing operating costs and infrastructure replacement, repairs, capital projects, and equipment. A twenty-five cent rate increase is proposed each year for five years, effective July 1, 2025-2029. Small rate increases periodically to keep up with inflation help avoid a large rate increase at a later date. The proposed twenty-five cent rate increase to the ERU for residential and non-residential properties would be as follows:

Commencing July 1, 2025, the ERU rate shall equal \$4.75

Commencing July 1, 2026, the ERU rate shall equal \$5.00

Commencing July 1, 2027, the ERU rate shall equal \$5.25

Commencing July 1, 2028, the ERU rate shall equal \$5.50

Commencing July 1, 2029, the ERU rate shall equal \$5.75

Recommendation:

Approval of the Ordinance increasing stormwater utility rates by twenty-five cents each year for five years. If adopted, the rate would go into effect on July 1, 2025-2029.

A handwritten signature in black ink, appearing to read "Matt Muckler", written in a cursive style.

Matt Muckler, City Administrator

ORDINANCE NO. _____

**ORDINANCE AMENDING THE CODE OF ORDINANCES, CITY OF NEWTON, IOWA, 2016,
TITLE V PUBLIC WORKS, BY ADDING CHAPTER 53 STORMWATER UTILITY.**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEWTON, IOWA:

Section 1. The Code of Ordinances, City of Newton, Iowa, 2016, Title V, is hereby amended by adding the following new Chapter 53 Stormwater Utility:

CHAPTER 53, STORMWATER UTILITY

- 53.001 Purpose
- 53.002 Definitions
- 53.003 Creation of a Stormwater Utility
- 53.004 Responsibility for Stormwater Management and Drainage System
- 53.005 Powers of the Utility Management and Drainage System
- 53.006 Organization
- 53.007 Requirements for On-Site Stormwater
- 53.008 Establishment of the Equivalent Residential Unit ("ERU") Square Foot Equivalent
- 53.009 Determination of ERU
- 53.010 Stormwater Utility Charge and Billing Procedures
- 53.011 ERU Rate
- 53.012 Powers of Director of the Stormwater Utility
- 53.013 Appeals
- 53.014 Exemptions to Stormwater Service Charges

General Provisions

53.001 PURPOSE.

In order to protect, maintain and enhance the environment of the City and the health, safety and welfare of the public by controlling discharges and pollutants into the City's stormwater system. This chapter establishes a policy, procedure, and enforcement mechanism for managing and controlling the quantity and quality of stormwater runoff, within the city limits of Newton, Iowa. The management shall include the establishment of a stormwater utility to provide revenues for whatever aspects of this requirement are deemed appropriate by the City.

The function of the Stormwater Utility is to provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correction of stormwater problems, to fund activities of stormwater management including design, planning, regulations, construction and education.

The city finds, determines and declares that the stormwater drainage system provides benefits and services to all property within the city limits. Such benefits include, but are not limited to: the provision of adequate systems for collection, conveyance, detention, treatment and release of stormwater for quality and quantity management that minimize impacts on receiving waters.

53.002 DEFINITIONS.

AGRICULTURAL PROPERTY(IES) shall mean those lots or parcels of real estate used as a "farm", as defined by the state of Iowa and listed on Jasper County Assessor's website. Agricultural properties may or may not contain a dwelling unit(s) and/or other buildings or structures.

CITY means the City of Newton, Iowa.

CITY ADMINISTRATOR means the City Administrator of the City or his/her designee.

CLASSIFICATION OF REAL ESTATE shall be classified as defined in the Iowa Administrative Code chapter 71, 701-71 Assessment Practices And Equalization, 701-71.1 Classification of real estate.

COMMERCIAL PROPERTY(IES) shall mean those properties which have been classified by the state of Iowa and listed on Jasper County Assessor's website as primarily used for commercial purposes. Commercial properties shall also include properties with mixed commercial and residential uses.

DEVELOPED PROPERTY A property altered from its natural state by the construction or installation of a structure thus increasing the amount of rainwater or surface water runoff.

DIRECTOR shall mean the Public Works Director / director of the stormwater utility.

EQUIVALENT RESIDENTIAL UNIT (ERU) Shall mean the average impervious area of a residential property within the city, and shall be used as the basis for determining stormwater utility charges to residential properties as set forth in this division.

EXEMPT PROPERTIES Shall mean those properties classified as exempt from property taxes by the County Assessor.

FACILITY means the premises on which industrial, commercial and/or land disturbing activity occurs.

GROUNDWATER Subsurface water or water stored in pores, cracks, and crevices in the ground.

IMPERVIOUS AREA The number of square feet of hard surfaced areas which either prevent or resist the entry of water into soil surface, as it entered under natural conditions as undeveloped property, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from what would be present under natural conditions as undeveloped property. This includes, but is not limited to, roofs, roof extensions, patios, porches, driveways, sidewalks, pavement, athletic courts, and semi-impervious surfaces such as gravel which are used as driveways or parking lots.

INDUSTRIAL PROPERTIES shall mean those properties which have been classified as primarily used for industrial purposes as defined by the state of Iowa and listed on Jasper County Assessor's website.

MULTI-FAMILY RESIDENTIAL shall mean those properties which have been classified as primarily used for multi-family purposes as defined by the state of Iowa and listed on Jasper County Assessor's website. These properties containing a structure or structures which contain(s) multi-family residential units, designed for occupancy by multiple families for the purpose of residing in, including but not limited to Mobile home parks, Manufactured home communities, Land-leased communities, assisted living facilities, and other property primarily used or intended for human habitation containing three or more separate dwelling units.

OCCUPANT The person residing or doing business on the property. In a family or household situation, the person responsible for the obligation imposed shall be the adult head of the household. In a shared dwelling or office situation, the adult legally responsible for the management or condition of the property shall be responsible.

OWNER The legal owner(s) of record as shown on the tax rolls of the city of Newton, except where there is a recorded land sale contract, the purchaser thereunder shall be deemed the owner.

RESIDENTIAL Developed property containing a structure which contains one or more bedrooms, with a bathroom and kitchen facilities, designed for occupancy by one family. Residential units include all single-family and duplex properties for the purpose of residing in, within the city of Newton.

STORM DRAIN SYSTEM means publicly-owned facilities by which stormwater is collected and/or conveyed, including, but not limited to any roads with drainage systems, municipal streets, gutters, discharges, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs or other drainage structures.

STORMWATER means any surface, flow, runoff, snowmelt runoff and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

STORM SEWER A sewer, which carries stormwater, surface runoff, street wash waters, and drainage, but which excludes sanitary sewage and industrial wastes, other than permitted discharges.

STORMWATER DRAINAGE SYSTEM All manmade facilities, structures, and natural watercourses owned by the city of Newton, used for collection and conducting stormwater to, through, and from drainage areas to the points of final outlet including, but not limited to, any and all of the following: conduits and appurtenant features, canals, creeks, catch basins, ditches, streams, gullies, ravines, flumes, culverts, siphons, streets, curbs, gutters, dams, floodwalls, levees, and pumping stations.

STORMWATER FACILITIES Various stormwater and drainage works that may include inlets, pipes, pumping stations, conduits, manholes, energy dissipation structures, stream channels, outlets, retention/detention basins, infiltration practices and other structural components.

STORMWATER MANAGEMENT The tasks required to control stormwater runoff using stormwater management systems, to protect the health, safety, and welfare of the public, and comply with relevant state and federal regulations.

STORMWATER MANAGEMENT SYSTEMS Address the issues of drainage management (flooding) and environmental quality (pollution, erosion, and sedimentation) of receiving rivers, streams, creeks, lakes, ponds, and reservoirs through improvements, maintenance, regulation and funding of plants, works, instrumentalities and properties used or useful in the collection, retention, detention, and treatment of stormwater or surface water drainage.

STORMWATER UTILITY The utility established under this chapter for the purpose of managing stormwater and imposing charges for the recovery of costs connected with such stormwater management.

SURFACE WATER Water bodies and any water temporarily residing on the surface of the ground including lakes, reservoirs, rivers, ponds, streams, puddles, channelized flow and runoff.

UNDEVELOPED PROPERTY Land in its unaltered natural state or which has been modified to such minimal degree as to have a hydrologic response comparable to land in an unaltered natural state shall be deemed undeveloped. Undeveloped land shall have minimal concrete pavement, asphalt, or compacted gravel surfaces or structures which create an impervious surface.

USER The owner and/or occupant of any developed property within the limits of the city of Newton, and any person who uses property which maintains connection to, discharges to, or otherwise receives services from the city for stormwater management. The occupant of any habitable property is deemed the user. If the property is not occupied, then the owner shall be deemed the user.

UTILITY CHARGES The periodic rate, fee or charge applicable to a parcel of developed land, which charge shall be reflective of the service provided by the city of Newton stormwater utility. Utility charges are based on measurable parameters which influence the stormwater utility's cost of providing services and facilities, with the most important factor being the amount of impervious area on each parcel of developed land.

WATERCOURSE A natural overland route through which water passes, including drainage courses, streams, creeks, and rivers.

53.003 CREATION OF A STORMWATER UTILITY.

The function of the Stormwater Utility is to provide for the safe and efficient capture of stormwater runoff, mitigate the damaging effects of stormwater runoff, correction of stormwater problems, to fund activities of stormwater management including design, planning, regulations, education, coordination, construction, operations, maintenance, inspection and enforcement activities.

There is hereby established a stormwater utility within the City of Newton, Iowa which shall be responsible for creating revenue for stormwater management throughout the City's corporate limits, and shall provide for the management, protection, control, regulation, use, and enhancement of stormwater systems and facilities. Such utility shall be under the operational direction of the Public Works Director or his/her designee. The corporate limits of the City, as increased from time to time, shall constitute the boundaries of the stormwater utility district.

The City shall establish a Stormwater Utility Fund in the City budget and accounting system, separate and apart from its General Fund, for the purpose of dedicating and protecting all funding applicable to the purposes and responsibilities of the utility.

In order to manage additions and improvements to the city stormwater systems, the City must have adequate and stable funding for its stormwater management program operating and capital investment needs. It is determined and declared to be necessary and conducive to the public health, welfare, safety and convenience of the City and its residents that charges be levied and collected from the owners or occupants of all lots, parcels of real estate, and buildings that discharge stormwater or surface or subsurface waters, directly or indirectly, to the City stormwater drainage system, and that the proceeds of such charges so derived be used for the purposes of operation, maintenance, repair and replacement, including the payment of debt service, for construction and repair of the stormwater drainage system and flood protection improvements comprising the stormwater utility.

53.004 RESPONSIBILITY FOR STORMWATER MANAGEMENT AND DRAINAGE SYSTEM.

The City stormwater management and drainage system consists of all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage ways, channels, ditches, swales, storm sewers, culverts, inlets, catch basins, pipes, head walls and other structures, natural or man-made that are located within public streets, rights-of-way, and easements within the political boundaries of the City of Newton which control and/or convey stormwater through which the City intentionally diverts surface waters from its public streets and properties. The City owns or has legal access for purposes of operation, maintenance and improvements to those segments of this system which are subject to easements of rights-of-entry, rights-of-access, rights-of-use, or other permanent provisions for adequate access for operation, maintenance, and/or improvement of systems and facilities.

Operation and maintenance of stormwater systems and facilities which are located on private property or public property not owned by the City of Newton and for which there has been no public dedication of such systems and facilities for operation, maintenance, and/or improvement of the systems and facilities shall be and remain the legal responsibility of the property owner.

It is the intent of this section to protect the public health, safety and general welfare of all properties and persons in general, but not to create any special duty or relationship with an individual person or to any specified property within or without the boundaries of the City of Newton. The City of Newton expressly reserves the right to assert all available immunities and defenses in any action seeking to impose monetary damages upon the City, its officers, employees and agents arising out of any alleged failure or breach of duty or relationship as may now exist or hereafter be created.

53.005 POWERS OF THE UTILITY MANAGEMENT AND DRAINAGE SYSTEM.

The stormwater management utility shall have the following powers, duties and responsibilities:

1. Prepare ordinances as needed to implement this division and place them for consideration and adoption by the City Council, and adopt such regulations and procedures as are required to implement this chapter and carry out its duties and responsibilities.
2. Administer the acquisition, design, construction, maintenance and operation of the utility system, including capital improvements.
3. Administer and enforce this chapter and all ordinances, regulations and procedures related to design, construction, maintenance, operation and alteration of the utility system, including, but not limited to the quantity, quality and/or velocity of the stormwater conveyed hereby.
4. Inspect private systems as necessary to determine the compliance of such systems with this chapter and any ordinances or regulations adopted by this chapter.
5. Review plans, approve or deny, inspect and accept extensions to the stormwater drainage system.
6. Annually analyze the cost of services and benefits provided, and the system and structure of fees, charges, fines, and other revenues of the utility, and to make recommendations regarding adjustment to such fees, charges, fines and other revenues.
7. Prepare and file an annual operating budget for the utility and make recommendations regarding the financing of the cost of extending and replacing portions of the system.

8. Acquire, construct, lease, own, operate, maintain, extend, expand, replace, clean, dredge, repair, conduct, manage, and finance such facilities, operations, and activities, as are deemed by the City to be proper and reasonably necessary for a system of storm and surface water management. These facilities may include, but are not limited to, surface and underground drainage facilities, storm sewers, watercourses, ponds, ditches, and such other facilities relating to collection, runoff, treatment and retention as will support a stormwater management system.

53.006 ORGANIZATION.

The City Council shall be the governing body of the stormwater management utility. The stormwater management utility shall be under the direction, management and control of the Public Works Director, who shall function as its director. In that capacity, the director or the director's designee shall supervise the day-to-day operation of the stormwater management utility, shall enforce this chapter and the provisions of all ordinances and regulations adopted by the City Council and shall carry out the policy directives of the City Council acting in its role as governing body of the stormwater management utility.

53.007 REQUIREMENTS FOR ON-SITE STORMWATER.

- A. All property owners and developers of developed real estate property within the City of Newton shall provide, manage, maintain, and operate on-site stormwater systems sufficient to collect, convey, detain, and discharge stormwater in a safe manner consistent with all City, State, and Federal laws and regulations.
- B. Pursuant to Iowa Code Section 364.12(3) or successor section of the State Code, any failure to meet this obligation may constitute a nuisance and may be subject to an abatement action filed by the City. In the event a nuisance is found to exist, which the owner fails to properly abate within such reasonable time as allowed by the City, the City may enter upon the property and complete such work as is reasonably necessary to be performed, with the actual cost thereof assessed against the owner in the same manner as a tax levied against the property. The City shall have the right, pursuant to the authority of this section, for its designated officers and employees to enter upon private and public property owned by entities other than the City, upon reasonable notice to the owner thereof, to inspect the property and conduct surveys and engineering tests thereon in order to assure compliance.

53.008 ESTABLISHMENT OF THE EQUIVALENT RESIDENTIAL UNIT("ERU") SQUARE FOOT EQUIVALENT.

For purposes of this chapter, the Equivalent Residential Unit (ERU) shall be the equivalent to Four Thousand (4,000) square feet of impervious area as measured from aerial photography.

53.009 DETERMINATION OF ERU.

Any property, lot, parcel of land, building or premises that is a tributary directly or indirectly to the stormwater system of the city, shall be subject to a fee based upon the quantity of impervious area situated thereon. This charge is not related to the water and/or sewer service and does not rely on occupancy of the premises to be in effect. All properties having impervious area within the city of Newton will be assigned an equivalent residential unit (ERU) or a multiple thereof, as calculated in this section, with all properties having any impervious area receiving at least one ERU, which shall be considered the base rate.

Residential and Multi-Family Residential Property

Single-Family Residential Property. The stormwater utility charge for single-family properties shall be one hundred percent (100%) of one ERU rate per month.

Multi-Family Properties.

The stormwater utility charge for all multi-family residential units shall be one ERU times the number of residential units for the first twenty (20) units, plus 50% ERU rate for each unit after the first twenty units until a maximum cap of 60 units is met. For instance, the stormwater utility charge for a two-family residential property shall be 2 times the ERU rate per month, the stormwater utility charge for three-family residential properties shall be 3 times the ERU rate per month and the stormwater utility charge for an 80 unit multi-family residential property shall be 20 at 100% ERU value, remaining 40 to reach the maximum cap of 60 units at 50% ERU value rate per month.

Agricultural Property

The stormwater utility charge for Agricultural properties shall be calculated as follows:

Impervious surface shall be measured to determine the square feet, then divided by the ERU equivalent of (4,000 square feet), rounded to the nearest whole number to determine number of ERU. The property will be billed at one hundred percent (100%) of the ERU rate for the first twenty (20) ERUs, plus 50% ERU rate for each ERU after the first twenty ERU's until a maximum cap is met of 60 ERU.

Commercial Property

The stormwater utility charge for Commercial properties, or a structure containing both residential and Commercial uses, shall be calculated as follows:

Impervious surface shall be measured to determine the square feet, then divided by the ERU equivalent of (4,000 square feet), rounded to the nearest whole number to determine number of ERU. The property will be billed at one hundred percent (100%) of the ERU rate for the first twenty (20) ERUs, plus 50% ERU rate for each ERU after the first twenty ERU's until a maximum cap is met of 60 ERU.

Exempt Property

The stormwater utility charge for Exempt properties shall be calculated as follows:

Impervious surface shall be measured to determine the square feet, then divided by the ERU equivalent of (4,000 square feet), rounded to the nearest whole number to determine number of ERU. The property will be billed at one hundred percent (100%) of the ERU rate for the first twenty (20) ERUs, plus 50% ERU rate for each ERU after the first twenty ERU's until a maximum cap is met of 60 ERU.

Industrial Property

The stormwater utility charge for Industrial properties shall be calculated as follows:

Impervious surface shall be measured to determine the square feet, then divided by the ERU equivalent of (4,000 square feet), rounded to the nearest whole number to determine number of ERU. The property will be billed at one hundred percent (100%) of the ERU rate up to the maximum cap of seven hundred and fifty (750) ERUs.

53.010 STORMWATER UTILITY CHARGE AND BILLING PROCEDURES.

All contributors and users shall pay a stormwater utility charge monthly as calculated pursuant to this Ordinance. For purposes of this Ordinance, the storm water utility charge which shall be payable monthly, shall be determined by multiplying the ERU applicable under Section 53.010 by the ERU rate specified in section 53.011.

The stormwater utility charge shall commence upon the earlier of the following:

- A. The issuance of a certificate of occupancy. Ninety (90) days after construction is halted, provided construction is at least 50% complete in the judgment of the director.
- B. Ninety (90) days after construction is completed, even if no certificate of occupancy has been issued.
- C. Once the property has water meter installed.

The determination of the stormwater utility charge shall be the responsibility of the Director, or his/her designee. All stormwater utility charges are due and payable under the same terms and conditions provided for payment of a combined service account as outlined in Section 52.115 of this Code.

The owner of the premises served and the tenant or occupant thereof shall be jointly and severally liable for stormwater utility charges for the premises.

Stormwater utility charges remaining unpaid and delinquent shall constitute a lien against the premises served and shall be certified as delinquent to the County Treasurer for collection in the same manner as property taxes, or such services may be discontinued and shall not be reinstated until all claims are settled. Service may be discontinued by means of the discontinuance of the water service in the same manner provided by the rules and regulations of the Water Department in the case of delinquent water bills.

53.011 ERU RATE.

The ERU rate to be applied monthly to residential and nonresidential properties shall be as follows:

~~Commencing January 1, 2021, the ERU rate shall equal \$4.00.~~

~~Commencing July 1, 2022, the ERU rate shall equal \$4.25.~~

Commencing July 1, 2023, the ERU rate shall equal \$4.50.

Commencing July 1, 2025, the ERU rate shall equal \$4.75.

Commencing July 1, 2026, the ERU rate shall equal \$5.00.

Commencing July 1, 2027, the ERU rate shall equal \$5.25.

Commencing July 1, 2028, the ERU rate shall equal \$5.50.

Commencing July 1, 2029, the ERU rate shall equal \$5.75.

The monthly rate for each fiscal year thereafter shall be determined by ordinance of the city council prior to July 1st of each year.

53.012 POWERS OF THE DIRECTOR.

Stormwater service charges incurred pursuant to this ordinance may be collected by the stormwater utility director or designee who is also responsible for the regulation, collection, rebating and refunding of such stormwater charges.

53.013 APPEALS.

Any customer who believes the provisions of this chapter have been applied in error may appeal in the following manner:

An appeal must be filed in writing with the City of Newton, City Administrator. In the case of service charge appeals, the appeal shall include information on the total property area, the impervious surface area and any other features or conditions which influence the hydrologic response of the property to rainfall events.

Using the information provided by the appellant, the City Administrator shall conduct a technical review of the conditions on the property and respond to the appeal in writing within thirty (30) days.

In response to an appeal, the City Administrator may adjust the stormwater ERU applicable to a property in conformance with the general purpose and intent of this chapter.

The Zoning Board of Adjustment will act as a Board of Appeals to hear grievances arising from the decision of the City Administrator. The Zoning Board of Adjustment shall have no authority to waive requirements of this chapter and will only determine as to whether the requirements of this chapter were properly applied.

Written notice of an appeal shall be submitted to the Zoning Board of Adjustment, care of the Newton City Planner, and shall include appellant name, subject property address, appellant address (if different than subject property), and grounds for the appeal. The Zoning Board of Adjustment will hold a public hearing on the matter within 30 days of receipt of the written notice of appeal. All decisions of the Zoning Board of Adjustment shall be final.

53.014 EXEMPTIONS TO STORMWATER SERVICE CHARGES.

The following areas are exempt from stormwater utility service charges:

- 1. Undeveloped property as defined in this Ordinance.
- 2. Public Streets, alley ways, and highways are exempt from utility charges or connection fees.
- 3. Railroad rights-of-way (tracks) shall be exempt from stormwater service charges. However, railroad stations, maintenance buildings, or other developed land used for railroad purposes shall not be exempt from storm water service charges.

Section 2. Repealer Clause. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 3. Severability Clause. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 4. Effective. This ordinance shall be effective on _____2024, after the final passage, approval and publication as provided by law.

PASSED this ____ day of _____, 2024.

APPROVED this ____ day of _____, 2024.

(SEAL)

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk

I, Katrina Davis, City Clerk of the City of Newton, Iowa, do hereby certify that the foregoing Ordinance was passed and approved by the City Council of the City of Newton, Iowa on the ____ day of _____, 2024 and was published in the Newton Daily News, a newspaper of general circulation in the said City of Newton on the ____ day of _____, 2024.

Dated this ____ day of _____, 2024.

Katrina Davis, City Clerk

City of Newton Council Report

**Item:**

Resolution approving the purchase of 306 E 8th Street South, Newton, using the City's Low-Moderate Income Set-aside Funds

Summary:

Consideration to purchase 306 East 8th Street South using LMI Set-aside funds.

Financial Impact:

\$49,900.00 in LMI Set-aside funds

Report Number: 2024-831

Date:

September 9, 2024

Lead Department:

Community Development

Recommendation:

Approve

Background:

For a significant period of time, the property at 306 East 8th Street South has been an eyesore for the surrounding neighborhood. The current property owner is willing to sell the property to the City for \$49,900.00. This is less than the \$68,000.00 that he paid for the property in 2022. In the recent past, staff has explored purchase of this property for the D&D program on several occasions, and this is the lowest price that has ever been possible.

The property creates some challenges for a neighborhood that has seen significant improvements. Three new "Homes for Iowa" houses have been erected on former D&D lots just to the west of this property, on both South 3rd Avenue East and South 4th Avenue East. Additionally, a fourth "Homes for Iowa" house will be erected across the street, and slightly to the south, from the subject property. The attached map shows the redevelopment in the area. Each of these new homes has a valuation of over \$200,000.00. Cleaning up the property at 306 East 8th Street South will continue to support the revitalization in the neighborhood while creating another lot for redevelopment of an affordable new single family home.



Photos of the front and rear of 306 East 8th Street South.

Use of LMI Set-aside Funds. When the City of Newton utilizes tax increment financing for housing development, as has been done in the Arbor Estates area, State Code requires a portion of those new increment tax dollars be set aside for Low-Mod Income housing purposes. City Council has adopted a policy governing the use of those funds (April 2023). One of the permitted uses is blight removal to uplift LMI neighborhoods. Specifically, the policy states: "Acquiring and demolishing blight in neighborhoods uplifts property values for the surrounding property owners. In addition, it provides a redevelopment lot for the construction of a new affordable home."

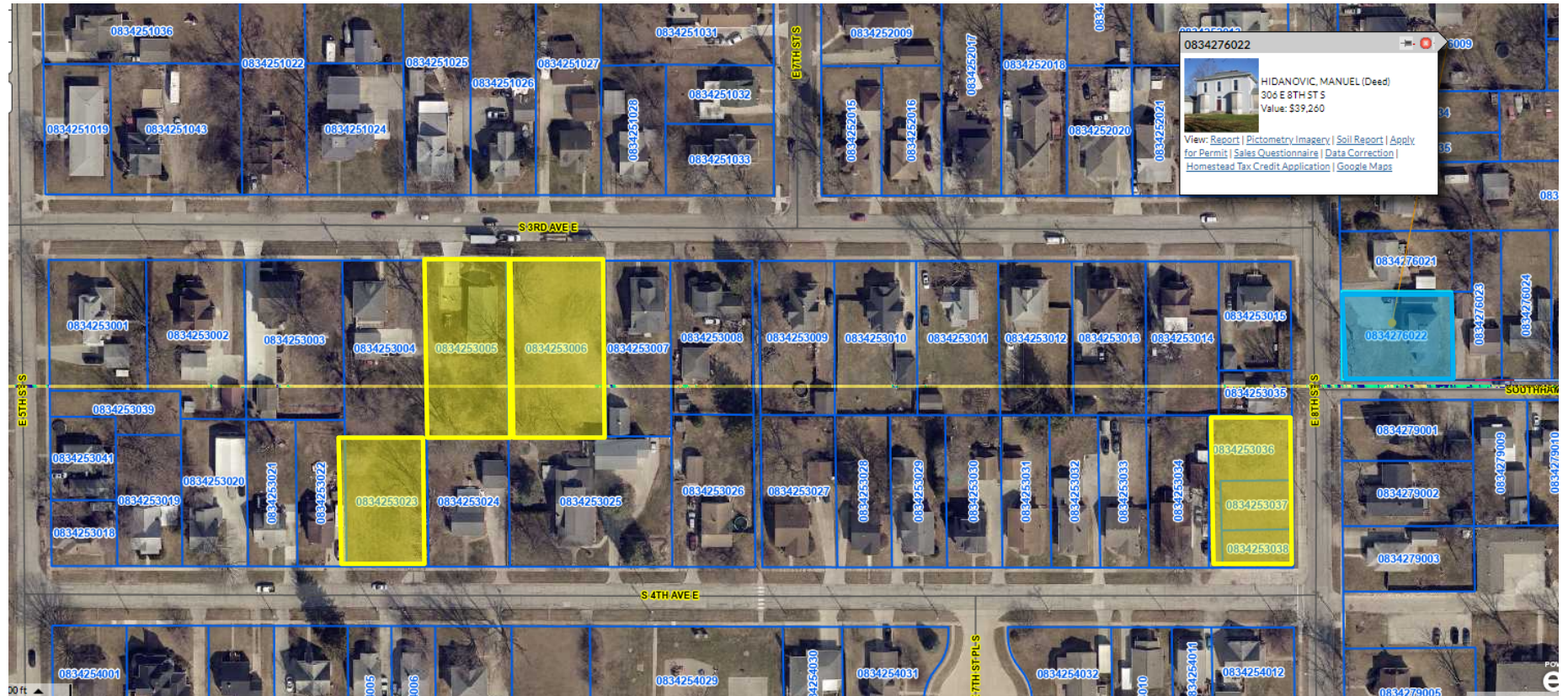
[illegible]

The City's LMI Set-aside fund currently has about \$180,000 on hand with an additional \$85,000.00 expected to be brought in this year.

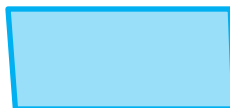
Staff finds that the purchase of 306 East 8th Street South aligns with the adopted policy for LMI Set-aside funds and recommends approval.

Matt Muckler, City Administrator

Neighborhood Map for 306 East 8th Street South



= Lots sold and redeveloped (or to be) with "Homes for Iowa" house



= 306 East 8th Street South

**RESOLUTION APPROVING CITY OF NEWTON PURCHASE OF
306 EAST 8TH STREET SOUTH, NEWTON, USING THE CITY'S LOW-
MODERATE INCOME SET-ASIDE FUNDS**

WHEREAS, the property located at: 306 East 8th Street South legally described as: LOT TWO OF EASTSIDE (AS APPEARS IN PLAT BOOK D ON PAGES 105 AND 106 IN THE OFFICE OF THE RECORDER OF JASPER COUNTY) EXCEPT THE FOLLOWING DESCRIBED TRACT, TO WIT: BEGIN AT THE SOUTHEAST CORNER OF SAID LOT TWO OF EASTSIDE AND RUN THENCE WEST 50 FEET 2 INCHES, THENCE NORTH 92 FEET, THENCE EAST 20 FEET 2 INCHES, THENCE NORTH 63 FEET, THENCE EAST 30 FEET, AND RUN THENCE SOUTH 155 FEET TO THE PLACE OF BEGINNING; ALL BEING IN THE SUBDIVISION OF BLOCK E AND LOT TWO OF BLOCK F OF STURDEVANT'S SUBDIVISION IN THE CITY OF NEWTON, JASPER COUNTY, IOWA; is dilapidated and a nuisance to the surrounding neighborhood; and

WHEREAS, by Resolution 2023-093 the City Council adopted the current Low-Moderate Income Set-Aside Funds Policy governing the use of LMI Set-Aside Funds; and

WHEREAS, the subject property is located within Census Tract 405, which has a household median income less than 80% of the household median income for Jasper County, according to the US Census American Community Survey; and

WHEREAS, Manuel Hidanovic, has agreed to sell the property to the City of Newton for a total amount of \$49,900.00 (Forty-Nine Thousand, Nine Hundred Dollars and No Cents);

NOW, THEREFORE, BE IT RESOLVED by the City Council of Newton, Iowa that:
Section 1: That the purchase of 306 East 8th Street South is hereby approved and that Low-Moderate Income Set-Aside Funds shall be used as the funding source; and

Section 2: That the Mayor is authorized to sign the purchase agreements for said property.

PASSED this _____ day of September, 2024.

APPROVED this _____ day of September, 2024.

Evelyn George, Mayor

ATTEST:

Katrina Davis, City Clerk



OFFER TO BUY REAL ESTATE AND ACCEPTANCE (D & D)

To: Manuel Hidanovic (herein designated as "Seller").

The City of Newton, a municipal corporation of the State of Iowa (herein referred to as the "City"), acting by and through its City Administrator, hereby offers to buy the real estate located at 306 East 8th Street South in the City of Newton, Jasper County, Iowa, described as follows:

Lot Two of Eastside (as appears in Plat Book D on pages 105 and 106 in the Office of the Recorder of said County) EXCEPT the following describe tract, to-wit: Begin at the Southeast corner of said Lot Two of Eastside and run thence West 50 feet 2 inches, thence North 92 feet, thence East 20 feet 2 inches, thence North 63 feet, thence East 30 feet, and run thence South 155 feet to the place of beginning; all being in the Subdivision of Block E and Lot Two of Block F of Sturdevant's Subdivision in the City of Newton, Jasper County, Iowa.

together with any easements and servient estates appurtenant thereto, buildings and improvements, hereinafter collectively called "property".

1. **PURCHASE PRICE.** City offers to buy said property for the total price of **FORTY-NINE THOUSAND NINE HUNDRED DOLLARS AND NO CENTS (\$49,900.00)** payable in full, less any amounts paid by the City in behalf of the Seller for the purposes as provided at paragraph 12 herein, following final approval of this Offer to Buy by the Newton City Council, as provided at paragraph 19 herein, and immediately upon delivery of the Deed to the City.

2. **TAXES.** Seller shall pay all unpaid regular real estate taxes assessed for all prior Fiscal Years and prorated to the date of closing.

3. **SPECIAL ASSESSMENTS.** The Seller shall pay all unpaid special assessments for the property.

4. **CLOSING AND POSSESSION.** The City and the Seller agree to close the sale of the vacated property within **60** days following final approval of this offer by the City Council, or on a date mutually agreeable to the two parties. In any event, no more than 120 days following final approval of this offer by the City Council.

The Seller is responsible to deliver a continued abstract to the property. The City shall be entitled to possession of said property upon transfer of title. Upon payment of the purchase price, the Seller shall transfer title and yield possession of the property to the City.

5. **UTILITIES.** The Seller shall be responsible for payment of all utility expenses incurred by it, its agents and/or lessees, as owner of the property and shall have ordered the disconnection of all utilities prior to transfer of title to the City.

6. **INSURANCE.** Sellers shall maintain the existing coverage for fire, wind storm and liability insurance until title has been transferred by Sellers to the City of Newton, as evidenced by delivery of a deed to, and acceptance of a deed by the City of Newton. Risk of loss from such hazards is on the City only after transfer of title in accordance herewith.

7. **FIXTURES.** The Seller retains the right to salvage materials upon the property until transfer of title to the City.

8. **ENVIRONMENTAL MATTERS.**

(A). SELLERS warrant to the best of their knowledge and belief that there are no abandon wells, solid waste disposal sites, hazardous wastes or substances, or underground storage tanks located on the Property, the Property does not contain asbestos, or urea-formaldehyde foam insulation which require remediation under current government standards, and SELLERS have done nothing to contaminate the Property with hazardous wastes or substances. SELLERS warrant that the property is not subject to any local, state, or federal judicial or administrative action, investigation or order, as the case may be, regarding wells, solid waste disposal sites, hazardous waste or substances, or underground storage tanks. SELLERS shall also provide BUYERS with a properly executed GROUNDWATER HAZARD STATEMENT showing no wells, solid waste disposal sites, hazardous wastes and underground storage tanks on the Property unless disclosed here: _____.

(B). BUYERS may at their expense, within 30 days after the date of acceptance, obtain a report from a qualified person to analyze the existence or nature of any hazardous materials, substances, conditions or wastes located on the Property. In the event any hazardous materials, substances, conditions or wastes are discovered on the Property which require remediation under current government standards, BUYERS' obligation hereunder shall be contingent upon the removal of such materials, substances, conditions or wastes or other resolution of the matter reasonably satisfactory to the BUYERS. The expense of any action necessary to remove or otherwise make safe any hazardous material, substances, conditions or waste shall be paid by SELLERS. Asbestos remediation, if necessary, will be the responsibility of the Buyer.

9. **ABSTRACT AND TITLE.** Seller shall provide the City with an abstract of title. It is the responsibility of the seller to continue the abstract of title. The SELLER shall pay for the costs of the abstract/abstract continuance.

10. **DEED.** Seller shall convey title by warranty deed, with terms and provisions as per form approved by the Iowa State Bar Association, free and clear of liens and encumbrances, reservations, exceptions or modifications except as in

this instrument otherwise expressly provided. All warranties shall extend to time of acceptance of this offer, with special warranties as to acts of Seller up to time of delivery of deed.

11. **FOR THE SELLERS: JOINT TENANCY IN PROCEEDS AND IN SECURITY RIGHTS IN REAL ESTATE.** If, and only if, the Sellers, immediately preceding this offer, hold the title to the above described property in joint tenancy, and such joint tenancy is not later destroyed by operation of law or by acts of the Sellers (1) then the proceeds of this sale, and any continuing and/or recaptured rights of Sellers in said real estate shall be and continue in Sellers as joint tenants with rights of survivorship and not as tenants in common; and (2) City, in the event of the death of either Seller agrees to pay any balance of the proceeds of this sale to the surviving Seller and to accept deed from such surviving Seller consistent with paragraph 10 above; unless and except this paragraph 11 is stricken from this agreement.

12. **APPLICATION OF PROCEEDS.** It is agreed that at the time of settlement, funds of the purchase price may be used by the City to pay Seller's obligations under this offer for taxes; other liens; the acquisition of outstanding interests, if any, of other parties; costs of documentary stamps; recording fees and other costs incidental to the conveyance to City of merchantable title.

13. **TIME IS OF THE ESSENCE.** Time is of the essence in this Agreement. If title objections are made by the City and not corrected or resolved to City's satisfaction within sixty (60) days of the date of the City Attorney's Title Opinion letter, or any extension of such date granted by the City in writing, the OFFER TO BUY REAL ESTATE AND ACCEPTANCE may be declared null and void in writing by the City at City's option.

14. **APPROVAL OF COURT.** If this property is an asset of any estate, trust or guardianship, this contract shall be subject to Court approval, unless declared unnecessary by the Buyer's attorney. If necessary, the appropriate fiduciary shall proceed promptly and diligently to bring the matter on for hearing for Court approval. (In that event the Court Officer's Deed shall be used.)

15. **CONTRACT BINDING ON SUCCESSORS IN INTEREST.** This contract shall apply to and bind the heirs, executors, administrators, assigns and successors in interest of the respective parties.

16. **INTENTION OF USE OF WORDS AND PHRASES.** Words and phrases herein, including any acknowledgment hereof, shall be construed as in the singular or plural number, and as masculine, feminine or neuter gender, according to the context.

17. **EXECUTION.** This offer to be accepted or rejected by seller within fourteen (14) days from the date of this offer after which this offer shall be null and void.

18. **REPRESENTATIONS.** This document represents the entire agreement of both parties and can only be amended by a writing signed by both parties.

19. **APPROVAL.** This offer shall not be binding upon the City of Newton until approval by Resolution of the Newton City Council.

20. **JOINDER BY SELLER'S SPOUSE.** Seller's spouse, if not a titleholder immediately preceding acceptance of this offer, executes this contract only for the purpose of relinquishing all rights of dower, homestead and distributive share or in compliance with §516.13 The Code and agrees to execute the deed or real estate contract for this purpose.

21. **ANTI-MERGER PROVISION.** The parties specifically agree that all representations, warranties, agreements, responsibilities, obligations and commitments specified herein shall survive the execution, delivery and recording of the warranty deed required by paragraph 1 hereof, shall remain in full force and effective thereafter, and shall not be merged in or extinguished by such execution, delivery and recording of the warranty deed. Said warranty deed shall specifically recite the language of this anti-merger provision, and a copy of this OFFER TO BUY REAL ESTATE AND ACCEPTANCE shall be attached as an exhibit thereto.

22. **REPURCHASING PROVISION.** Seller and buyer agree that Seller and Seller's successors in interest, as set forth in paragraph 16 of this agreement, are prohibited from repurchasing the property while the property is owned by the City of Newton.

23. ~~NO REAL ESTATE AGENT OR BROKER.~~ Neither party has used the services of a real estate agent or broker in connection with this transaction. Seller will pay listing agent a compensation in connection with this transaction

MH *EH*

DATE OF OFFER: August 26, 2024

Negotiator For City: Erin R. Chambers, Director of Community Development

641-521-4119

erinc@newtongov.org

CITY OF NEWTON, IOWA

By _____
Mayor Evelyn George Date _____

The foregoing offer is accepted this _____ day of _____, 20____.

Authentisign
Manuel Hidanovic

08/26/24

Seller: Manuel Hidanovic

Tax ID/ Social Security Number _____